

LAW OFFICES OF  
WALKUP, MELODIA, KELLY & SCHOENBERGER  
A PROFESSIONAL CORPORATION

650 CALIFORNIA STREET, 26<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94108-2615  
T: (415) 981-7210 · F: (415) 391-6965

MICHAEL A. KELLY (State Bar #71460)

[mkelly@walkuplawoffice.com](mailto:mkelly@walkuplawoffice.com)

RICHARD H. SCHOENBERGER (State Bar #122190)

[rschoenberger@walkuplawoffice.com](mailto:rschoenberger@walkuplawoffice.com)

MATTHEW D. DAVIS (State Bar #141986)

[mdavis@walkuplawoffice.com](mailto:mdavis@walkuplawoffice.com)

ASHCON MINOIEFAR (State Bar #347583)

[aminoiefar@walkuplawoffice.com](mailto:aminoiefar@walkuplawoffice.com)

SHANIN SPECTER (Pennsylvania State Bar No. 40928)  
(Admitted Pro Hac Vice)

[shanin.specter@klinespecter.com](mailto:shanin.specter@klinespecter.com)

ALEX VAN DYKE (CA State Bar No. 340379)

[alex.vandyke@klinespecter.com](mailto:alex.vandyke@klinespecter.com)

KLINE & SPECTER, P.C.

1525 Locust Street

Philadelphia, PA 19102

Telephone: (215) 772-1000

Facsimile: (215) 772-1359

ATTORNEYS FOR ALL PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND  
DIVISION

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an individual;  
BARBARA ROE, an individual;  
PHOENIX HOTEL SF, LLC, a  
California limited liability company;  
FUNKY FUN, LLC, a California limited  
liability company; and 2930 EL  
CAMINO, LLC, a California limited  
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**DECLARATION OF ASHCON  
MINOIEFAR IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**ASSIGNED FOR ALL PURPOSES  
TO THE HONORABLE DISTRICT  
JUDGE JON S. TIGAR,  
COURTROOM 6**

**Date: October 27, 2025  
Time: 8:30 am**

Action Filed: 03/14/2024  
Trial Date: Unassigned

1 I, Ashcon Minoiefar, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an  
3 associate with Walkup, Melodia, Kelly & Schoenberger, attorneys of record for ALL  
4 PLAINTIFFS. I have personal knowledge of the facts set forth herein, and if called  
5 as a witness, I could and would competently testify thereto. I make this declaration  
6 in support of Plaintiffs' Motion for Preliminary Injunction.

7 2. Attached hereto as **Exhibit A** are true and correct copies of the relevant  
8 portions of the December 3, 2024 deposition of Captain Daniel Manning (Ret.).

9 3. Attached hereto as **Exhibit B** are true and correct copies of relevant  
10 portions of the transcript of the February 7, 2025 deposition of Mark Mazza.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of a flyer  
12 entitled "Keep Our Streets Healthy and Safe," which was marked as Exhibit 1 to the  
13 transcript of the February 7, 2025 deposition of Mark Mazza.

14 5. Attached hereto as **Exhibit D** are true and correct copies of the relevant  
15 portions of the transcript of the April 7, 2025 deposition of the DPH Community  
16 Affairs Manager for Defendant City and County of San Francisco, who is also  
17 described in Plaintiffs' motion as "DPH Manager." The witness's name has been  
18 removed from the pleadings per agreement of the parties.

19 6. Attached hereto as **Exhibit E** are true and correct copies of the relevant  
20 portions of the transcript of the April 21, 2025 deposition of the DPH Director of  
21 Behavioral Health Services and Mental Health SF for Defendant City and County of  
22 San Francisco, who is also described in Plaintiffs' motion as "BH Director." The  
23 witness's name has been removed from the pleadings per agreement of the parties.

24 7. Attached hereto as **Exhibit F** are true and correct copies of relevant  
25 portions of the transcript of the April 18, 2025 deposition of the Director of Strategic  
26 Initiatives in the Behavioral Health Services section of Department of Public Health  
27 for Defendant City and County of San Francisco, who is also described in Plaintiff's  
28 motion as "Director of Strategic Initiatives." The witness's name has been removed

1 from the pleadings per agreement of the parties.

2 8. Attached hereto as **Exhibit G** are true and correct copies of relevant  
3 portions of the transcript of the April 16, 2025 deposition of Emily Cohen.

4 I declare under penalty of perjury under the laws of the United States of  
5 America that the foregoing is true and correct to the best of my knowledge.

6 Executed on this 25th day of August, 2025, at San Francisco, California.

7  
8 Dated: August 25, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

9  
10 By: 

11 MICHAEL A. KELLY  
12 RICHARD H. SCHOENBERGER  
13 MATTHEW D. DAVIS  
14 ASHCON MINOIEFAR  
15 Attorneys for ALL PLAINTIFFS  
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# EXHIBIT A

(December 3, 2024 deposition of Captain Daniel Manning (Ret.))

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND

DIVISION

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company,

**CERTIFIED  
TRANSCRIPT**

CASE NO.  
4:24-cv-01562-JST

Plaintiffs,

-vs-

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendants.

VIDEOTAPED

DEPOSITION OF CAPTAIN DANIEL MANNING

Taken before KAREN A. CRANGLE  
Certified Shorthand Reporter  
State of California  
C.S.R. License No. 3816

December 3, 2024

1 go into that.

2 MR. SCHOENBERGER: No.

3 Q. But at any rate, that's why we're here. You  
4 mentioned you've been a sworn officer for 32 years I think  
5 you said. Is that right?

6 A. Yes, sir.

7 Q. How long have you been a captain?

8 A. Just for the record I'm the Acting Captain.  
9 There is no captain here currently so I've been in this  
10 role since January of 2024. My rank is a lieutenant. So  
11 I have been filling in on this role for the last year  
12 almost.

13 Q. All right.

14 A. I've been at Tenderloin station since February,  
15 March of 2022.

16 Q. Is it inappropriate for me to call you Captain  
17 Manning or are you okay with that?

18 A. No, I'd rather be called Acting Captain --

19 Q. Acting Captain.

20 A. -- if we're going to be truthful; that's the  
21 rule.

22 Q. I appreciate that. Not your first foray in the  
23 Tenderloin though, true? 2022? You've been familiar --  
24 well, no.

25 Instead of telling you, tell me when your job

## VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1           How has that changed from then to now?

2           A. Sure. Then I got moved to be in charge of the  
3 foot beats, one of the lieutenants in charge of the foot  
4 beats for probably a year.

5           So -- and then from that I became the -- when the  
6 Captain was gone, I became the Acting Captain.

7           So I've done pretty much three jobs since I've been  
8 here since 2022.

9           Q. Tell us, if you would, what being in charge of  
10 the foot beats for probably a year means.

11          A. Sure. The foot beat officers are a group of  
12 officers engaged with the community. Walking around the  
13 majority of their shift. They do have vehicles that they  
14 drive, and they will drive to certain locations and get  
15 out and walk a beat. You know, engage, you know, criminal  
16 activity, engage residents, merchants, business people in  
17 the Tenderloin district.

18          They normally don't have to handle calls for  
19 service like the patrol officers who are roaming around so  
20 my job was to place them in different areas in the  
21 Tenderloin that they can have the most impact.

22          I would get complaints from citizens, merchants,  
23 residents about, you know, conditions, street crimes,  
24 conditions on the street, and try to maximize the  
25 effectiveness of having foot beat officers in those

## VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 the community, that you actually hold community meetings  
2 from time to time.

3 A. Yes, we have a community month every month,  
4 every captain does. Every month there's a community  
5 meeting. We hold it right here in our community room for  
6 every time that I've done it.

7 We get to hear and meet all the presidents of  
8 business owners and all their, you know, all their issues  
9 that they're trying to deal with.

10 Q. I think I saw you had one like on the 26th,  
11 like right before Thanksgiving. Is that right?

12 A. Yes, sir, had about 20, 25 people in there.

13 Q. So give us a sense of, to the extent you  
14 remember, specifics -- I don't want to spend a lot of time  
15 on it -- but what were some of the major complaints that  
16 you heard? And what were some of the compliments that you  
17 heard, hoping you heard some.

18 But let's start with the complaints that people had  
19 about the neighborhood.

20 A. Sure. Well, between the community meetings and  
21 e-mails and stuff, I get daily complaints about street  
22 conditions are pretty much the majority of the complaints  
23 I get from people down here. Large groups of people  
24 blocking sidewalks, people using drugs, people selling  
25 drugs, general street conditions. Garbage.



## VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 something; I attend a lot of meetings. I don't recall  
2 that specific verbiage from someone outside the police  
3 department.

4 Q. Based upon your training and education and  
5 experience, do you have an understanding that possession  
6 of drug paraphernalia is a Health and Safety Code  
7 violation?

8 A. Yes, 11364 of the Health and Safety Code.

9 Q. Has there ever been a directive from outside  
10 the police department such as from the City, any City  
11 agency, that your officers are to turn a blind eye to the  
12 provision of drug paraphernalia on the Tenderloin streets?

13 A. I don't remember anything directly. I remember  
14 when I was one of the foot beat lieutenants we really  
15 engaged in citing and were encouraging our officers to  
16 actively, proactively, I should say, to cite people that  
17 were caught with pipes, caught smoking, using pipes.

18 Um, I do remember like being told that -- I don't  
19 remember how I was told -- that nonprofits were giving the  
20 people pipes and that we shouldn't be citing people for  
21 things that are being given to them by nonprofits.

22 Q. How did you feel about that?

23 A. Not happy.

24 Q. Why not?

25 A. Because it seemed counterproductive to the

1 problems that we're having here with the Tenderloin.

2 Q. Why does, in your view, the provision of pipes  
3 or bubbles to addicts or fentanyl use seem  
4 counterproductive to the problems that you folks are  
5 having in the Tenderloin?

6 A. Well, number one, I remember hearing words like  
7 "safe injection" and things like that. And smoking  
8 something out of a pipe has nothing to do with safely  
9 injecting yourself with narcotics.

10 I do know through my training and experience over  
11 the last 32 years that diseases are transferred from  
12 people sharing needles and that's a big problem.

13 But when you're talking about giving people pipes,  
14 to smoke something, I don't feel that falls into the same  
15 category. That was number one issue I felt about that.

16 Number two, we received, like I said, I get a lot  
17 and lot -- hundreds of complaints about street conditions  
18 and people using drugs, and I didn't think it was  
19 counterproductive for nonprofits to be giving people tools  
20 to be used in the major -- the main complaints we were  
21 receiving about drug use.

22 Q. One of the advantages that I have here is  
23 something called Realtime, meaning I'm getting a  
24 transcript of what you're saying. And I think you  
25 misspoke. I want to make sure.

VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 MS. MURPHY: Same objection.

2 THE WITNESS: Well, I would say it would be a  
3 negative to have somebody, you know, the convenience of  
4 somebody handing someone a pipe and then ingesting drugs  
5 possibly in front of a business, residents; the  
6 convenience of, you know, someone providing that to them.

7 MR. SCHOENBERGER: Q. Does that help reduce the  
8 problem of drug ingestion in the Tenderloin or increasing?

9 A. Increasing.

10 Q. You mentioned something like "safe injection  
11 sites".

12 Have you ever heard the concept voiced by some  
13 folks in the community, either nonprofits or city folks,  
14 of, quote, "harm reduction"? Unquote.

15 A. Yes, I've heard that.

16 Q. What is your understanding of what that means?

17 A. Uh, I've never thought of that. That's a good  
18 one.

19 Uh, I would say "harm reduction" means, you know,  
20 causing harm to their bodies, causing harm to the  
21 community.

22 Q. All right. It has been said in the Tenderloin  
23 it's not a homeless problem; it's a drug problem. It's a  
24 drug addiction problem.

25 Do you agree with that conceptually?

VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 Q. I think take us to page two.

2 All right. So have you ever heard of something  
3 called the Linkage Center?

4 A. Yes, I saw it numerous times while I was out on  
5 my walks.

6 Q. And what did you understand the Linkage Center  
7 to be?

8 A. Um, a place where people were ingesting drugs  
9 in a safe environment and that they could get services at,  
10 also.

11 Q. And where did you see this? Where was it?

12 A. In UN Plaza.

13 Q. And for how long was it there, if you recall?

14 A. I don't remember. I'm going to guess a year or  
15 something like that.

16 Q. And what did you think of it?

17 A. I didn't think much of it. I wasn't thrilled.

18 I don't remember exactly if it was there right when I got  
19 here, or if it opened very shortly after I got here.

20 It caused a lot of issues in UN Plaza for sure. We  
21 had a lot of -- I remember a lot of assaults; a lot of,  
22 you know, loitering; quality of life type crimes.

23 Q. And when you say "quality of life type of  
24 crimes", you mean interfering with the quality of life of  
25 the neighbors?

VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1           A. Um, I don't recall. The time that I was at the  
2 Linkage Center, I was the Swing Watch Lieutenant. I  
3 didn't have as much engagement as I do now over the last  
4 year with all the City resources. So I don't remember a  
5 specific conversation, no.

6           Q. Are you -- sorry. Did I interrupt?

7           A. No.

8           Q. Are you aware of any, quote, "safe injection  
9 sites" that exist in the Tenderloin in the last six months  
10 to a year?

11          A. Currently?

12          Q. Yes.

13          A. No.

14          Q. Were a, quote, "safe injection site" proposed  
15 in the, Tenderloin would you be against it?

16          MS. MURPHY: Object to form.

17          THE WITNESS: Are you talking about specifically  
18 injecting people again? I mean obviously the spread of  
19 disease is a concern with the needles. I don't think it's  
20 a big -- that could be possible for some people in an  
21 indoors environment. But smoking things? Where you're  
22 affecting other people? I think that's inappropriate.

23          MR. SCHOENBERGER: Q. Let me turn my attention a  
24 little bit. Actually, let me ask you this.

25          We are led to believe that there is actually a

1 smoking site at the Linkage Center. Do you know whether  
2 or not that's true?

3 A. Yes.

4 Q. And can we agree that, or can I infer that that  
5 was a source of frustration for you?

6 A. Yes.

7 Q. Do you think that having these injection sites  
8 you mentioned, or the Linkage Center, or sites where  
9 people can do drugs, does that have a spillover effect,  
10 for example, shoplifting or fencing stolen goods or open  
11 air markets or attracting drug dealers or any of those  
12 sorts of things?

13 MS. MURPHY: Object to form.

14 THE WITNESS: Yeah, I felt it did at UN Plaza, yes.

15 MR. SCHOENBERGER: Q. So I threw out a lot of  
16 things there. Did you have a sense that it attracted drug  
17 dealers?

18 MS. MURPHY: Same objection.

19 THE WITNESS: Yes.

20 MR. SCHOENBERGER: Q. Explain that.

21 A. I actually went into undercover operations  
22 again and bought drugs right on the steps behind where the  
23 Linkage Center was. I was an undercover officer around  
24 that time. There was a lot of people loitering, a lot of  
25 people, you know, hanging out around the Linkage Center.

VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 people before on his videos. So no, it doesn't surprise  
2 me.

3 Q. Do you know to what extent the City acquiesces  
4 in those specific individuals?

5 A. No clue.

6 MS. MURPHY: Object to form.

7 MR. SCHOENBERGER: Q. I neglected to ask you a  
8 couple of questions about the Linkage Center.

9 Do you know whether or not law enforcement officers  
10 were allowed in the Linkage Center?

11 A. I was told we were not allowed in the Linkage  
12 Center.

13 Q. And who told you that?

14 A. I don't remember. Maybe my bosses. I would be  
15 guessing. I remember being we're not allowed in the  
16 Linkage Center.

17 Q. And to the extent it was your bosses, you were  
18 obligated to do what they told you to do in that regard.

19 A. I'd say that's fair to say. I think I tried to  
20 go in there one time on some kind of call and they were  
21 very hesitant to -- like you can't come in, the employees  
22 of the Linkage Center.

23 Q. Do you know who it was that ran it?

24 A. No.

25 Q. Did you find it frustrating as an officer

## VIDEOTAPED DEPOSITION OF CAPTAIN DANIEL MANNING

1 STATE OF CALIFORNIA       )  
  )  
2 COUNTY OF ALAMEDA       )       ss

3

4               I, Karen A. Crangle, hereby certify that the  
5 witness in the foregoing deposition named

6

7                               CAPTAIN DANIEL MANNING

8

9 was by me duly sworn to testify to the truth, the whole  
10 truth, and nothing but the truth in the within-entitled  
11 cause; that said deposition was taken at the time and  
12 place herein named; that the testimony of said witness was  
13 reported by me, a certified shorthand reporter and a  
14 disinterested person, and thereafter transcribed into  
15 typewriting.

16

17               And I further certify that I am not of counsel or  
18 attorney for either or any of the parties to said  
19 deposition, nor in any way interested in the outcome of  
20 the cause named in said caption.

21

22 Date: December 9, 2024

23

24 *Karen A. Crangle*  
Karen A. Crangle, S.R.

25



# **EXHIBIT B**

(February 7, 2025 deposition of Mark Mazza)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

---oOo---

**CERTIFIED  
TRANSCRIPT**

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an  
individual; BARBARA ROE, an  
individual; PHOENIX HOTEL SF, LLC,  
a California limited liability  
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California limited liability  
company; and 2930 EL CAMINO, LLC,  
a California limited liability  
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Plaintiffs,

vs.

No. 4:24-cv-01562-JST

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendants.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF MARK MAZZA

Taken before GINA V. CARBONE  
CERTIFIED SHORTHAND REPORTER  
STATE OF CALIFORNIA  
CSR License No. 8249, RMR, CRR, CCRR

Wednesday, February 7, 2025

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Q. I represent five individuals that filed a  
2 lawsuit against the City and County of San Francisco  
3 and also a couple of businesses. They're all either  
4 residents of or located in the Tenderloin.

5 Are you still employed by the City and  
6 County of San Francisco?

7 A. Yes.

8 Q. And what is your current job title?

9 A. My current job title is Tenderloin street  
10 operations manager for the Department of Emergency  
11 Management.

12 Q. You graduated from Virginia Commonwealth  
13 with a master's degree in 2006; is that right?

14 A. Yes.

15 Q. Do you have an undergraduate degree?

16 A. Yes.

17 Q. From where?

18 A. From the same school. The Virginia  
19 Commonwealth University. I have a bachelor's degree  
20 in social work.

21 Q. Great. When did you get that?

22 A. 2000.

23 Q. And I believe you became a licensed  
24 clinical social worker in 2011?

25 A. Correct.

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 you let me know, and I will accommodate that  
2 request. Okay?

3 A. That sounds good.

4 Q. If there's a question pending, I may want a  
5 response to that. But as soon as it makes sense,  
6 we'll take a break.

7 A. Understood.

8 Q. The other thing, it's my job to ask  
9 questions that are objection-free and also  
10 understandable to you.

11 So if I don't do my job, if I asked you a  
12 question that is in any way confusing to you or if  
13 there's a word that you don't understand or it's  
14 vague in any way, please let me know and I'll  
15 rephrase.

16 A. Understood.

17 Q. Any questions before you get started?

18 A. No.

19 Q. Okay. How much experience would you say  
20 you have in the Tenderloin neighborhood? I know  
21 that you've been the street ops manager for two-plus  
22 years.

23 A. I would say I have a lot of experience in  
24 the Tenderloin neighborhood. I have worked either  
25 primarily or somewhat in the Tenderloin neighborhood

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 since 2006, and I was a Tenderloin resident from  
2 2006 until, I believe, 2021.

3 Q. So 15-plus years of experience in that  
4 neighborhood?

5 A. Yes.

6 Q. And you have been with the City since 2013.  
7 You started with Department of Public Health?

8 A. Yes.

9 Q. Is that correct?

10 What did you first do when you went to work  
11 for the City?

12 A. I worked in permanent supportive housing  
13 which housed people who were formerly homeless, and  
14 I worked there as the site social worker.

15 Q. How long did you do that job?

16 A. I did that job at two different locations,  
17 same job, just different locations for, I believe,  
18 four years.

19 Q. Okay. And what did you do after that?

20 A. After that, I continued to work -- I  
21 also -- if I can, I want to clarify.

22 Q. Sure.

23 A. During those four years, the Department of  
24 Public Health split some of their staff because the  
25 Department of Homelessness and Supportive Housing

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Q. Oh, I'm sorry. Go ahead.

2 A. So after those four years, I did stay with  
3 HSH, but I transitioned from housing to their  
4 outreach division, I guess.

5 And so I started there as a lead clinical  
6 supervisor for the San Francisco Homelessness  
7 Outreach Team, and then about six months later, I  
8 became the outreach manager citywide for HSH.

9 Q. Great.

10 (Whereupon, Exhibit 1 was marked for  
11 identification.)

12 BY MR. DAVIS:

13 Q. Currently, I assume you work full time?

14 A. Yes.

15 Q. And of the time that you're working, how  
16 much time would you say you spend in the Tenderloin?

17 A. 85 percent.

18 Q. When you're working in the Tenderloin, are  
19 you on the streets, public spaces, or other  
20 locations? You tell me.

21 A. Majority on the streets.

22 Q. Do you have an office?

23 A. I do.

24 Q. Where is that?

25 A. City hall.

## VIDEOTAPED DEPOSITION OF MARK MAZZA

1           Q. Okay. You've got what's been marked as  
2   Exhibit 1. This is a document, I'll represent to  
3   you, that was produced in response to a Public  
4   Records Act made to the City, purportedly from the  
5   mayor's office.

6           Take a look at Exhibit 1. Tell me if you  
7   recognize the document.

8           A. I do.

9           Q. Can you tell us what it is?

10          A. This is one of what I think there are many  
11   versions of a Keep Our Streets Healthy and Safe  
12   flier. If I remember correctly, the first of these  
13   came out -- or mid-2020, during the early days of  
14   COVID.

15                 And the ask was to -- while people were on  
16   the streets, we knew that there was an increase of  
17   people on the streets due to the shelters having to  
18   lessen their numbers, and this was developed around  
19   that time as a way -- at that point, when I was the  
20   outreach manager, we saw this as a way to give a  
21   script to our staff, but it was also something that  
22   was handed out to people living on the streets.

23          Q. Did you have any role in drafting this  
24   document that's been marked as Exhibit 1?

25          A. I remember discussing it on calls, but I

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 activity that is harmful to the whole community?

2 A. I wasn't in the conversations about the  
3 creation of the bullet points.

4 Q. Okay.

5 A. So I'm happy to answer questions on all of  
6 them, but I can say I was not in that conversation.

7 Q. Based on your experience in the  
8 Tenderloin -- first of all, was Exhibit 1 created  
9 for use in the Tenderloin?

10 A. My understanding is yes.

11 Q. Okay. And based on your vast experience in  
12 the Tenderloin, would you agree that the selling and  
13 storing of illegal drugs contributes to unhealthy  
14 and unsafe street conditions in that neighborhood?

15 A. Yes.

16 MS. MURPHY: Belated object to form.

17 BY MR. DAVIS:

18 Q. And same question. The next bullet point  
19 says, "Using illegal drugs in public."

20 Would you agree that that is an activity  
21 that contributes to unhealthy and unsafe street  
22 conditions in the Tenderloin?

23 MS. MURPHY: Same objection.

24 THE WITNESS: Yes.

25



VIDEOTAPED DEPOSITION OF MARK MAZZA

1 BY MR. DAVIS:

2 Q. Okay. The next bullet point says,  
3 "Preparing to sell or reselling stolen goods."

4 And, again, based on your experience, would  
5 you agree that that is an unhealthy and unsafe  
6 street condition in the Tenderloin?

7 A. Yes.

8 MS. MURPHY: Belated same objection.

9 BY MR. DAVIS:

10 Q. The next bullet point, "Camping on the  
11 street when you have access to shelter," is that  
12 something that --

13 MR. SUGERMAN: Sorry.

14 MR. DAVIS: -- in your experience --

15 MR. SUGERMAN: You skipped one.

16 MR. DAVIS: -- contributes -- sorry?

17 MR. SUGERMAN: You skipped one.

18 MR. DAVIS: Oh, I'm sorry. Thank you,  
19 Jeremy.

20 MR. SUGERMAN: Well, you said "next one."

21 BY MR. DAVIS:

22 Q. The next one, "Setting up structures and  
23 belongings that block sidewalks, entrances or access  
24 to public spaces."

25 That is something that, in your experience,

1 contributes to unhealthy and unsafe street  
2 conditions in the Tenderloin?

3 A. Yes.

4 MS. MURPHY: Belated same objection.

5 BY MR. DAVIS:

6 Q. Next bullet point, "Camping on the street  
7 when you have access to shelter."

8 That is something that you would agree  
9 contributes to unhealthy and unsafe street  
10 conditions in the Tenderloin?

11 MS. MURPHY: Same objection.

12 THE WITNESS: Yes.

13 BY MR. DAVIS:

14 Q. Final bullet point. "Operating grills,  
15 stoves, heaters, fuel and open flames near  
16 buildings, vehicles, and other structures."

17 That is something that, in your experience,  
18 contributes to unhealthy and unsafe street  
19 conditions in the neighborhood?

20 MS. MURPHY: Same objection.

21 THE WITNESS: Yes.

22 BY MR. DAVIS:

23 Q. Now, going through this list again, you  
24 have extensive experience in the Tenderloin. When  
25 were you actually last in that neighborhood?

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 A. What time is it?

2 Q. It's 10:30-ish.

3 A. I was there 45 minutes ago.

4 Q. Okay. And have you been there every day  
5 this workweek?

6 A. Yes.

7 Q. And in terms of the selling and storing of  
8 illegal drugs, is that an activity that you see  
9 occurring in the Tenderloin currently?

10 A. Yes.

11 Q. And that is an unhealthy and unsafe street  
12 condition that is currently happening in the  
13 Tenderloin --

14 A. Yes.

15 Q. -- based on your experience?

16 A. Sorry.

17 Q. That's okay.

18 MS. MURPHY: Belated objection to form.

19 THE WITNESS: Yes.

20 BY MR. DAVIS:

21 Q. And you would agree that anything that  
22 brings the selling or storage of illegal drugs to  
23 the neighborhood would contribute to unhealthy and  
24 unsafe street conditions in that neighborhood?

25 MR. SUGERMAN: Object to the form of the

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 BY MR. DAVIS:

2 Q. And I'm going to assume, but let me confirm  
3 this, you have recently seen the use of illegal  
4 drugs in public in the Tenderloin?

5 A. Yes.

6 Q. That happens rampantly throughout the  
7 neighborhood?

8 MS. MURPHY: Object to form.

9 BY MR. DAVIS:

10 Q. Fair statement?

11 A. Fair statement.

12 Q. This week, can you even give us an estimate  
13 of how many times you saw -- have seen people using  
14 illegal drugs in public in the neighborhood?

15 A. How many times? Or how many people?

16 Q. Well, let's say how many times?

17 A. I can't -- too many to count.

18 Q. And same question in terms of the number of  
19 people that you've seen using drugs in public --  
20 illegal drugs in public in the Tenderloin.

21 A. Too many to count.

22 Q. And you would agree that any activity or  
23 conduct that condones or enables people to use  
24 illegal drugs in that neighborhood contributes to  
25 the unhealthy and unsafe street conditions in that

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 MS. MURPHY: Same.

2 MR. SUGERMAN: Object to the form of the  
3 question.

4 THE WITNESS: Yes.

5 BY MR. DAVIS:

6 Q. Next bullet point, "Camping on the street  
7 when you have access to shelter."

8 Now, that is something that you have  
9 encountered on numerous occasions; fair statement?

10 A. Yes.

11 Q. Are there people, in your experience, who  
12 continue to camp on the sidewalks and streets of the  
13 Tenderloin even when they have been offered access  
14 to shelter?

15 A. Yes.

16 Q. How frequently do you encounter that?

17 A. Daily.

18 And just to clarify "daily," my team works  
19 seven days a week, so daily.

20 Q. And you're familiar with the Grants Pass  
21 decision?

22 A. Yes, I am.

23 Q. And the Coalition on Homelessness'  
24 litigation against the City?

25 A. I'm aware.

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 BY MR. DAVIS:

2 Q. Yeah. It's your view that many of the  
3 people who continue to camp on the sidewalks and  
4 streets of the Tenderloin, despite being offered  
5 access to shelter, continue to stay on the streets  
6 because of drug addiction?

7 MR. SUGERMAN: "Correct?" You have to make  
8 a question. Wait for a question.

9 THE WITNESS: Yeah.

10 BY MR. DAVIS:

11 Q. Yeah. Is that correct? Is that your view?

12 A. I think it's difficult to say "correct,"  
13 because I want to say that I feel it's a large  
14 contributor to people who choose to stay on the  
15 street. I think there are other contributors, but I  
16 think that the common theme is drug addiction.

17 Q. In your experience, are there people who  
18 continue to camp and live on the sidewalks and  
19 public spaces of the Tenderloin because of drug  
20 addiction?

21 A. Yes.

22 Q. Okay. Tell us what you know about the  
23 distribution of drug paraphernalia in public spaces  
24 of the Tenderloin.

25 MS. MURPHY: Object to form.

## VIDEOTAPED DEPOSITION OF MARK MAZZA

1 THE WITNESS: In my work, I see drug  
2 paraphernalia being distributed. The individuals or  
3 programs who are engaging in that work typically  
4 don't interact with my team. I see it sometimes at  
5 a location that seems scheduled, and I see it  
6 sometimes with people who are mobile, going from  
7 block to block.

8 BY MR. DAVIS:

9 Q. And you know many people who do such work  
10 in the Tenderloin, I assume?

11 A. I see many people. I know a few people.

12 Q. Who do you know who is involved in the  
13 distribution of drug paraphernalia in the  
14 Tenderloin?

15 A. Let me correct what I said. I recognize  
16 people. Names, not as much.

17 Q. Okay. You are under oath here.

18 A. Yes.

19 Q. Do you know the names of anyone who you  
20 know or believe to be involved in the distribution  
21 of drug paraphernalia in the Tenderloin?

22 A. And you're asking people who are on the  
23 ground distributing?

24 Q. Anyone who is distributing in the  
25 Tenderloin.

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Van Ness with a canopy and distributing what they  
2 call harm reduction supplies.  
3 Q. And in terms of the harm reduction  
4 supplies, can you be specific about what would be in  
5 those supplies or kits?

6 A. I typically don't engage when people are  
7 distributing supplies, but what I have seen photos  
8 of and videos of and what I have seen discarded on  
9 the streets, used to be maybe a little longer than  
10 two years ago, but maybe still some, clean syringes  
11 and bands to tie arms. More lately, glass pipes,  
12 straws, aluminum foil.

13 Q. What other organizations do you know of or  
14 have reason to believe distribute drug paraphernalia  
15 in the Tenderloin?

16 MS. MURPHY: Object to form.

17 THE WITNESS: I believe that I have seen  
18 staff from GLIDE Memorial Church, and I have seen  
19 people who are either employed by or contracted by  
20 the Department of Public Health.

21 BY MR. DAVIS:

22 Q. How about the Hospitality House?

23 A. Hospitality House, if they are distributing  
24 supplies, I would assume it's happening inside of  
25 their brick-and-mortar locations. I have not seen



VIDEOTAPED DEPOSITION OF MARK MAZZA

1       them on the street.

2           Q.   Okay.  Are you aware that they distribute  
3       supplies from their brick-and-mortar locations in  
4       the Tenderloin?

5           A.   I'm not aware.

6           Q.   You haven't heard that?

7           A.   I haven't heard that.

8           Q.   Who, from the Department of Public Health,  
9       to your knowledge, has been involved in the  
10       distribution of drug paraphernalia in the  
11       Tenderloin?

12           MS. MURPHY: Object to form.

13           THE WITNESS: Are you asking much like the  
14       question with Paul Harkin about a leadership role  
15       or...?

16       BY MR. DAVIS:

17           Q.   Let's start there.

18           A.   Okay.  So my understanding is that there  
19       are some people from the Whole Person Integrated  
20       Care division that distribute supplies on the  
21       street.  And I -- the person I know from that  
22       division is -- I believe her title is the director,  
23       is Dara Papo.

24           Q.   Do you mind spelling her name for us?

25           A.   No problem.  D-A-R-A, P-A-P-O.

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Q. And she's with DPH, the Whole Person

2 Integrated Care division?

3 A. Yes.

4 Q. Do you know anyone else from DPH who has  
5 had a leadership or other role with respect to the  
6 distribution of drug paraphernalia in the  
7 Tenderloin?

8 MS. MURPHY: Object to form.

9 THE WITNESS: There's a woman who -- I  
10 couldn't tell you her title now, but I believe she  
11 was some type of leadership role that focused on  
12 harm reduction, and her name is Eileen Loughran.

13 BY MR. DAVIS:

14 Q. Anyone else come to mind from the  
15 Department of Public Health?

16 MS. MURPHY: Same objection.

17 THE WITNESS: Nothing is coming to mind.

18 BY MR. DAVIS:

19 Q. Okay. With respect to HealthRIGHT 360,  
20 we've talked about Mr. Harkin. Who else from that  
21 organization, to your knowledge, has been involved  
22 in the distribution of drug paraphernalia in the  
23 Tenderloin? And I'm going to push it back to even  
24 when the Linkage Center was operating.

25 A. Okay. I mean, what I can do -- because I

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 A. Yes.

2 Q. Have you, yourself, questioned that policy?

3 A. Yes.

4 Q. And --

5 A. Can I ask a question?

6 Q. Sure.

7 A. When you say "questioned," do you mean in a  
8 professional capacity? To myself?

9 Q. Well, in any -- I'll start with, have you  
10 ever had a conversation with anyone in the City  
11 where you questioned this policy?

12 A. I'm -- I'm not in a position to question  
13 this policy. It's not my role. So in a  
14 professional capacity, I have not.

15 Q. Okay. Do you, yourself, have -- you've had  
16 some misgivings about this policy?

17 A. Yes.

18 Q. Can you tell us why?

19 A. In my work, whether it was through working  
20 in housing when I worked in outreach and especially  
21 now, I find people who are deceased from their  
22 addiction. I speak with people who are distressed  
23 because of their addiction. And I speak with people  
24 who would like to recover from their addiction.

25 And while I understand and I have seen

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Q. Okay. Have you spoken to anyone from the  
2 mayor's office about these misgivings?

3 A. No.

4 Q. The drug paraphernalia that gets  
5 distributed in the Tenderloin includes fentanyl  
6 smoking materials?

7 A. That's my understanding.

8 Q. And you've seen those materials discarded  
9 all over the neighborhood, I assume?

10 A. Yes.

11 Q. I assume that's troubling to you?

12 A. Yes.

13 Q. And the distribution of the drug  
14 paraphernalia, in your view, does that encourage the  
15 use of illegal drugs in the neighborhood?

16 MS. MURPHY: Object to form.

17 THE WITNESS: I would use a different word  
18 than "encourage."

19 BY MR. DAVIS:

20 Q. What word would you use?

21 A. For lack of a better word, I would say it  
22 "maintains."

23 Q. Facilitates?

24 MS. MURPHY: Object to form.

25 THE WITNESS: I'll agree with

1 "facilitates."

2 BY MR. DAVIS:

3 Q. You mentioned the DPH, and I believe you  
4 mentioned that maybe they use vendors also to  
5 distribute drug paraphernalia?

6 A. Contractors.

7 Q. Okay. Do you know any of the contractors  
8 that it works with?

9 A. They have a contract, I believe, with RAMS.  
10 And I hope I don't get this wrong, but I think that  
11 stands for Richmond Area Multi-Services.

12 Q. Do you know anyone who works for RAMS?

13 A. I probably do. The RAMS employees that I  
14 would know wear Department of Public Health  
15 clothing, and many of them have transitioned back  
16 and forth. So I probably do know some RAMS  
17 individuals, but....

18 Q. Does -- to your knowledge, does DPH give  
19 out shirts or uniforms to its contractors?

20 A. Yes.

21 Q. Do you know who JJ Smith is?

22 A. I do.

23 Q. Do you ever look at the videos he posts on  
24 social media?

25 A. I do.

1 THE WITNESS: I have not.

2 MR. DAVIS: Let's go -- we'll mark this as  
3 Exhibit 3. It says "Ellis and Taylor video."

4 (Whereupon, Exhibit 3 was marked for  
5 identification.)

6 (Video played.)

7 BY MR. DAVIS:

8 Q. Mr. Mazza, one thing I'm going to ask you  
9 to do is if you see -- make a mental note, if you  
10 see people in this video that you recognize, if you  
11 could just let us know at some point.

12 (Video played.)

13 BY MR. DAVIS:

14 Q. First of all, do you recognize the location  
15 that's being shown here?

16 A. Yeah, it's not exactly Taylor and Ellis.  
17 It's the 300 block of Ellis. It's the parking lot  
18 next to GLIDE.

19 Q. And have you seen so-called harm reduction  
20 activities happening in that area yourself?

21 A. I've seen activities. I typically don't go  
22 inside, so I can't say that I've seen harm reduction  
23 activities there.

24 Q. Okay.

25 (Video played.)

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 BY MR. DAVIS:

2 Q. Do you recognize that gentleman?

3 A. Of course. Yes.

4 Q. And who is that?

5 A. That's Grant Colfax, the former department  
6 head for the Department of Public Health.

7 And I also, just because I'm paying  
8 attention and you asked, I see, I believe, Krista  
9 Gaeta from the Department of Public Health in the  
10 back, and also it looks like Section Chief Mike  
11 Mason, or Michael Mason, of the fire department in  
12 the back.

13 Q. Okay.

14 (Video played.)

15 BY MR. DAVIS:

16 Q. Now, do you recognize any of the people we  
17 see in this frame right here? The speaker or the  
18 woman who just shouted something out?

19 A. I do not.

20 Q. Okay.

21 (Video played.)

22 BY MR. DAVIS:

23 Q. Do you recognize that woman?

24 A. I do.

25 Q. Who is that?

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 A. Jennifer Bolen, I think is her last name,  
2 goes by Jen Bo, legislative aide for Dean Preston.

3 Q. Is she still working for the City or...?

4 A. Not that I'm aware of.

5 (Video played.)

6 BY MR. DAVIS:

7 Q. So we'll continue looking at this in a  
8 moment, but you heard the speaker there talk about  
9 strategies for harm reduction, including, "Always go  
10 to the same dealer."

11 Have you heard people advocate that in the  
12 Tenderloin?

13 A. I have.

14 Q. What has been your reaction when people  
15 advocate that type of approach?

16 A. I professionally keep my opinions to  
17 myself.

18 Q. Okay. And this is your opportunity to  
19 share them with us.

20 MS. MURPHY: Object to form.

21 MR. SUGERMAN: And wait for a question.

22 THE WITNESS: Yeah.

23 BY MR. DAVIS:

24 Q. What has been your reaction when you've  
25 heard that?



VIDEOTAPED DEPOSITION OF MARK MAZZA

1           A. My reaction has been confusion.

2           Q. What are you confused about?

3           A. I'm confused by people who are in a  
4 professional capacity encouraging drug dealing and  
5 drug use.

6           Q. And here you saw Grant Colfax was actually  
7 in the audience?

8           A. I did see that.

9           Q. Okay. And to your knowledge, has he been a  
10 supporter of this type of harm reduction philosophy?

11           MS. MURPHY: Object to form.

12           THE WITNESS: To my -- to my knowledge, my  
13 assumption would be yes, as the department head.  
14 But I have never had a conversation with him about  
15 it.

16 BY MR. DAVIS:

17           Q. And have you, yourself, heard anyone  
18 express a concern that the distribution of drug  
19 paraphernalia condones the use of illicit drugs?

20           A. Have I heard anyone say that?

21           Q. Yes.

22           A. Yes.

23           Q. Who have you heard say that?

24           A. JJ Smith, Adam Mesnick, Steve Adami.

25           Q. Who is Steve Adami?

1           A. Steve Adami used to be in a leadership role  
2     for the City with adult probation. He now is the  
3     executive director of The Way Out for Salvation  
4     Army.

5           Q. Okay.

6           A. Too many to name, but those are three very  
7     first --

8           Q. Is that a reaction that you, yourself, have  
9     had, that the distribution of drug paraphernalia in  
10    the Tenderloin may actually condone the use of  
11    illicit drugs in the neighborhood?

12          A. That's a reaction I've had.

13          Q. Have you, yourself, or have you heard  
14     anyone express the view that the distribution of  
15     drug paraphernalia in the neighborhood will attract  
16     drug dealing to the neighborhood?

17          A. I've heard that -- I've heard people say  
18     that.

19          Q. Is that something that you, yourself, have  
20     had that -- shared that reaction?

21                 MR. SUGERMAN: Object to the form of the  
22     question.

23                 THE WITNESS: My reaction would be more  
24     complicated.

25

VIDEOTAPED DEPOSITION OF MARK MAZZA

1 Q. In the past, let's say, two weeks?

2 A. My understanding is yes.

3 Q. Okay. Same organizations involved?

4 MS. MURPHY: Object to form.

5 THE WITNESS: That would be my assumption.

6 BY MR. DAVIS:

7 Q. And if you -- if I asked you to tell me who  
8 you thought the person at DPH who knew the most  
9 about the distribution of drug paraphernalia in the  
10 neighborhood was, who would you tell me that is?

11 A. My assumption would be Eileen Loughran.

12 And I'm probably pronouncing her last name wrong,  
13 but that's my best.

14 Q. To your knowledge, is she a proponent of  
15 the distribution of drug paraphernalia?

16 A. By "proponent," you mean...?

17 Q. Advocates for it.

18 A. That's my understanding.

19 Q. Let me switch topics a little bit.

20 In the response to the Public Records Act  
21 request, I've reviewed many emails, and I saw your  
22 name associated with emails with respect to the  
23 Linkage Center.

24 A. Yes.

25 Q. Is that generally correct?

1 A. That I --

2 MR. SUGERMAN: Objection to the form of the  
3 question.

4 BY MR. DAVIS:

5 Q. Well, let me ask a better question.

6 Were you generally aware of the City's  
7 efforts to open the Tenderloin Linkage Center?

8 A. Yes.

9 Q. And were you involved in those efforts?

10 A. Yes.

11 Q. Tell us about your involvement.

12 A. At the time the Linkage Center was opened,  
13 I was working for the Department of Homelessness and  
14 Supportive Housing, still in my capacity as manager  
15 of outreach.

16 When the Linkage Center was opening, I was  
17 informally the departmental lead for HSH at the  
18 site. My role was to ensure there was a flow for  
19 HSH resources, including assessments for eligibility  
20 for temporary shelter and permanent housing and  
21 pathways to those.

22 Also, I was -- I helped to communicate any  
23 challenges with some of the on-site services that  
24 were HSH related, namely, the showers and the  
25 laundry.

## VIDEOTAPED DEPOSITION OF MARK MAZZA

1 belongings would be safe.

2 They would say what it was they were there  
3 for, and there was a flow to kind of direct them  
4 where to go next.

5 A lot of the services, if people were  
6 trying to access shelter, housing, or assessment  
7 that we were involved with, were indoors.

8 While people were waiting to speak with the  
9 staff person, they would wait outside. So you would  
10 walk past some offices into an outside area that was  
11 fenced off.

12 In that area, there was a station for  
13 charging phones, there was a laundry, and then if  
14 you walked further back, there was an area where  
15 there was a tent, and that's where HealthRIGHT 360  
16 engaged with people.

17 Q. And what did you see HealthRIGHT 360 doing  
18 at the Linkage Center?

19 A. I saw them distributing drug paraphernalia.  
20 I saw them talking with people.

21 Q. And in this outdoor area, did you see  
22 people openly using narcotics?

23 A. I did.

24 Q. Okay. And was that in the presence of  
25 HealthRIGHT 360 staff?

1           A.   Yes.

2           Q.   And did you hear them -- did you hear  
3   anyone refer to this area as an overdose prevention  
4   site?

5           A.   Probably.

6           Q.   How about a safe consumption site?

7           A.   My recollection is that that's not what  
8   people were calling it who were staff. I've heard  
9   it referred to that in the larger community.

10          Q.   Okay. Did you -- did you see people use  
11   narcotics under the supervision of HealthRIGHT 360  
12   staff?

13           MS. MURPHY: Object to form.

14           THE WITNESS: It's tough for me to say  
15   under supervision. In the vicinity, yes.

16   BY MR. DAVIS:

17          Q.   There was no one who was making any effort  
18   to stop or discourage people from using in that  
19   area?

20           MS. MURPHY: Object to form.

21           THE WITNESS: Not that I recall.

22   BY MR. DAVIS:

23          Q.   And you were allowed in this area --

24          A.   I was.

25          Q.   -- correct?

## VIDEOTAPED DEPOSITION OF MARK MAZZA

1 I, GINA V. CARBONE, CSR No. 8249, RPR, RMR, CRR,  
2 CCRR, certify: that the foregoing proceedings were taken  
3 before me at the time and place herein set forth; at  
4 which time the witness was duly sworn; and that the  
5 transcript is a true record of the testimony so given.

6

7 Witness review, correction and signature  
8 was

9 (X) by code. ( ) requested.

10 ( ) waived. ( ) not requested.

11 ( ) not handled by the deposition officer due to  
12 party stipulation.

13

14 The dismantling or unbinding of the original  
15 transcript will render the reporter's certificate null  
16 and void.

17 I further certify that I am not financially  
18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any of  
20 the parties.

21 Dated this 17th day of February 2025.

22

23

24

25

  
\_\_\_\_\_  
GINA V. CARBONE  
CSR #8249, STATE OF CALIFORNIA

# Exhibit C

(flyer entitled “Keep Our Streets Healthy and Safe,” which was marked as Exhibit 1 to the transcript of the February 7, 2025 deposition of Mark Mazza)



# Keep our Streets Healthy and Safe



## Healthy and safe street conditions have:

- Clear doorways, windows, and entrances
- Clear driveways, medians, and roadways
- Clear sidewalks and streets free from belongings, improvised structures, and debris
- Properly disposed of trash and waste

## The following activities are harmful to the whole community and will be lawfully enforced. Unhealthy and unsafe street conditions are:

- Selling and storing illegal drugs
- Using illegal drugs in public
- Preparing to sell or reselling stolen goods
- Setting up structures and belongings that block sidewalks, entranceways or access to public spaces
- Camping on the street when you have access to shelter
- Illegal dumping and disposal of waste
- Operating grills, stoves, heaters, fuel and open flames near buildings, vehicles, and other structures

## How to Contribute to Healthy and Safe Streets:

Following these guidelines will contribute to a healthy and safe community. If you need help, go to a dedicated location that provides food and water, hygiene services, social support, and treatment services.

The Tenderloin Linkage Center is located at  
1172 Market Street (in UN Plaza).  
Come as you are. You are welcome here.



City & County of San Francisco

**For anyone experiencing a medical,  
police or fire emergency call 9-1-1.**

# Exhibit D

(April 7, 2025 deposition of the DPH Community Affairs Manager for Defendant City and County of San Francisco, who is also described in Plaintiffs' motion as "DPH Manager")

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an  
individual; BARBARA ROE, an  
individual; PHOENIX HOTEL SF, LLC,  
a California limited liability  
company; FUNKY FUN, LLC, a  
California limited liability  
company; and 2930 EL CAMINO, LLC,  
a California limited liability  
company,

**CERTIFIED  
TRANSCRIPT**

CASE NO.  
4:24-cv-01562-JST

Plaintiffs,

-vs-

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF

EILEEN LOUGHRAN

Stenographically reported before JOAN GRIER  
Certified Shorthand Reporter  
State of California  
C.S.R. License No. 8958

April 7, 2025

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VIDEOTAPED DEPOSITION OF EILEEN LOUGHRAN

1 Certified Shorthand Reporter, License No. 8958,  
2 representing Crangle Reporting Services.

3 Would the reporter please administer the oath,  
4 and then counsel may begin.

5 EILEEN LOUGHRAN,  
6 sworn as a witness by the Court Reporter,  
7 testified as follows:

8 EXAMINATION BY MR. DAVIS

9 MR. DAVIS: Q. Good morning. Will you tell us  
10 your name, please.

11 A. Eileen Loughran.

12 Q. And are you still working for the City and  
13 County of San Francisco?

14 A. Yes.

15 Q. What's your current job title?

16 A. Community affairs manager.

17 Q. And what department do you work for?

18 A. Department of Public Health in Behavioral  
19 Health.

20 MR. LAKRITZ: Can I just make a statement on  
21 the record --

22 MR. DAVIS: Sure.

23 MR. LAKRITZ: -- before I forget.

24 The City is going to designate this deposition  
25 as highly confidential under the protective order.

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1 MR. DAVIS: Okay. The entire deposition?

2 MR. LAKRITZ: Yes. I'm happy to meet and  
3 confer with you afterwards.

4 MR. DAVIS: Okay. We may need to do that. But  
5 that's -- I appreciate that. Thank you.

6 Q. Okay. How long have you worked for the City,  
7 Ms. Loughran?

8 A. 27 years. A little over.

9 Q. And of those 27 years, how many of them have  
10 been with the Department of Public Health?

11 A. All of them.

12 Q. And when did you become the community affairs  
13 manager?

14 A. Officially, December 1st of 2024.

15 Q. What was your job title prior to that?

16 A. Director of the Office of Overdose Prevention.

17 Q. And what were the approximate dates that you  
18 held that title?

19 A. I don't remember the exact dates.

20 Q. Can you give me an estimate?

21 A. About a year and a half.

22 Q. Before being the director of the Office of  
23 Overdose Prevention, what was your job title?

24 A. Substance use services manager.

25 Q. Substance use, not substance abuse?

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1 A. Substance use services manager.

2 Q. Okay. And what were your approximate dates of  
3 holding that title?

4 A. April '22. And then a little under a year  
5 before I transitioned to the director of Overdose  
6 Prevention.

7 Q. So early 2023 would have been your end date?

8 A. Um-hmm.

9 Q. Okay. And what job title did you hold before  
10 substance use services manager?

11 A. I was a health program coordinator.

12 Q. Do you have a physical office?

13 A. Yes.

14 Q. Where is that located?

15 A. 1380 Howard.

16 Q. How long have you worked out of that office?

17 A. Since fall of '22.

18 Q. And before the fall of '22, did you have an  
19 office?

20 A. Yes.

21 Q. Where was that?

22 A. 25 Van Ness.

23 Q. The Howard Street location, your current  
24 office, what's the closest cross street?

25 A. 10th.

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1 to -- as part of your job to see whether there were  
2 addicts who were living on the streets?

3 A. No.

4 Q. Is that something you observed when you were  
5 going to and from the Tenderloin?

6 A. Observed.

7 Q. Okay. Do you know who Mark Mazza is?

8 A. Yes.

9 Q. Is part of your job -- let's say, in the past  
10 four years, have you had any interactions with Mr. Mazza  
11 about the Tenderloin neighborhood?

12 A. Yes.

13 Q. And tell me what you recall about those  
14 interactions.

15 A. We don't work directly. So they were more  
16 attending meetings together or polite interactions.

17 Q. Okay. Now, you've worked for the Department of  
18 Public Health for 27 years now.

19 Do I have that right?

20 A. Correct.

21 Q. Do you happen to know what the Department's  
22 mission statement is?

23 A. To serve all San Franciscans.

24 Q. Yeah. I'm going to read you something.

25 "To protect and promote the health of all

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1 San Franciscans."

2 Does that sound right?

3 A. Yes.

4 Q. Would the Department's mission include  
5 protecting the health of San Franciscans who live in the  
6 Tenderloin?

7 A. Yes.

8 Q. Would the Department's mission include  
9 protecting the children who live in the Tenderloin?

10 A. Yes.

11 Q. As an employee of the Department of Public  
12 Health for 27 years, you understand that the Tenderloin  
13 has more children than just about any other neighborhood  
14 in the City?

15 A. Yes.

16 Q. Okay. Let me show you a document. This was  
17 marked as Exhibit 1 to Mark Mazza's deposition.

18 MR. DAVIS: Thank you. Can you put that up.

19 Q. Okay. This was previously marked when I had  
20 the opportunity to speak to Mr. Mazza.

21 (Plaintiffs' Exhibit 1 was reintroduced.)

22 MR. DAVIS: And, Ashcon, can you -- great.

23 Q. My first question is, do you recognize this  
24 flyer?

25 A. No.



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1 have access to shelter?

2 A. I've heard that.

3 Q. Okay. And who have you heard that from?

4 A. People that work with people on the streets.

5 Q. And can you give me any names that you've heard  
6 that from?

7 A. Mark Mazza.

8 Q. Okay. Anyone else?

9 A. No.

10 Q. And have you, yourself, seen street conditions  
11 that, for lack of a better word, in the Tenderloin, that  
12 are just filthy? Human waste, disposed drug  
13 paraphernalia, that type of thing?

14 A. Yes.

15 Q. Okay. And would you agree that that's an  
16 unhealthy and unsafe condition in the neighborhood?

17 A. Yes.

18 Q. And that would be unhealthy and unsafe for the  
19 children who live in the Tenderloin?

20 A. Yes.

21 Q. Would you agree that open-air drug sales and  
22 use can be injurious to the health of San Franciscans  
23 who live or work in the Tenderloin?

24 A. Yes.

25 Q. What, to your knowledge, has the Department of

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1 Public Health done to stop the open-air drug use in the  
2 Tenderloin?

3 A. I don't know. That's not my role.

4 Q. Okay. Going back to your job as the Overdose  
5 Prevention or the -- sorry -- the director of the Office  
6 of Overdose Prevention.

7 What were your job duties when you worked in  
8 that job title?

9 A. I oversaw overdose prevention work, such as  
10 naloxone distribution, trainings, ensuring we are  
11 reaching all communities.

12 Q. Anything else?

13 A. A lot of day-to-day stuff, but big picture,  
14 that was the extent of it.

15 Q. I'm going to use the term "drug paraphernalia."

16 Are you familiar with that term?

17 A. Yes.

18 Q. And when I use it in this deposition, I'm  
19 referring to equipment or tools that are used to ingest,  
20 smoke, inject, or otherwise consume illegal drugs. And  
21 that would include things like meth pipes, foils, and  
22 straws.

23 With me?

24 A. (Witness nods head.)

25 Q. Have your job responsibilities for the City

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1 ever involved the distribution of drug paraphernalia in  
2 the Tenderloin?

3 A. Syringes.

4 Q. Okay. And do you currently have any job  
5 responsibilities with respect to the distribution of  
6 syringes?

7 A. No.

8 Q. When did you last?

9 A. I don't know, but at least a year and a half  
10 ago.

11 Q. And what were you doing when you were involved  
12 with the distribution of syringes?

13 A. Overseeing the contract.

14 Q. Who had the contract?

15 A. San Francisco AIDS Foundation.

16 Q. Anyone else?

17 A. They subcontract with Glide --

18 Q. Okay.

19 A. And Homeless Youth Alliance.

20 Q. I'm sorry. Who else?

21 A. Homeless Youth Alliance.

22 Q. Are you aware that there has been the  
23 distribution of other drug paraphernalia in the  
24 Tenderloin?

25 A. I've heard.

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1 Q. And what have you heard?

2 A. I've heard that foil and smoking supplies have  
3 been distributed.

4 Q. Who did you hear that from?

5 A. The news, neighbors, community meetings.

6 Q. How about from any of the vendors?

7 A. No.

8 Q. To your knowledge, do any vendors who receive  
9 city funds distribute foil, smoking pipes, or other  
10 non-syringe drug paraphernalia in the Tenderloin?

11 A. I don't know. The City does not pay for those  
12 supplies.

13 Q. And is it your testimony you're unaware of any  
14 organizations that receive city funding -- whether or  
15 not the City pays for it, are you aware of any of those  
16 organizations distributing drug paraphernalia in the  
17 neighborhood, apart from syringes?

18 A. Yes. Paraphernalia is a broad term. That's  
19 why I'm saying, like, yes. So, yeah. They're the  
20 programs -- the ones that I listed are the programs that  
21 are funded to provide syringe access and disposal  
22 services.

23 Q. Okay. Do they distribute other drug  
24 paraphernalia in the neighborhood?

25 A. I'm not onsite with them, so I don't know what

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1 they're distributing every single time that they are  
2 working.

3 Q. Okay. Have you heard from any source other  
4 than your lawyers that they are distributing other drug  
5 paraphernalia --

6 A. Yes.

7 Q. -- in the Tenderloin?

8 A. Yes.

9 Q. What have you heard?

10 A. I have heard smoking supplies and foil, from  
11 community meetings, from the news, from residents.

12 Q. And who have you heard is distributing these  
13 smoking supplies such as foil and straws and pipes?

14 A. Syringe programs.

15 Q. And that would be SF AIDS Foundation?

16 A. Correct.

17 Q. That would be Glide?

18 A. Correct.

19 Q. That would be Homeless Youth Alliance?

20 A. I've not heard of Homeless Youth Alliance being  
21 raised in those conversations.

22 Q. Okay. How about Richmond RAMS?

23 A. I don't know. I'm unfamiliar.

24 Q. How about HealthRIGHT 360?

25 A. I don't know, personally.

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1 Q. Well, you know that HealthRIGHT 360 has  
2 distributed drug paraphernalia in the Tenderloin, don't  
3 you?

4 A. No, I don't. They're not part of the funded  
5 syringe programs.

6 Q. Were you involved in the operation of the  
7 Tenderloin Linkage Center?

8 A. No.

9 Q. You had no involvement?

10 A. I was initial startup staffing. But that was  
11 only for approximately seven shifts that were four  
12 hours.

13 Q. And you were on numerous e-mail communications  
14 with respect to the Tenderloin Linkage Center?

15 A. Yes.

16 Q. And when you worked the seven or so shifts,  
17 what did you do at the Linkage Center?

18 A. I was really a site manager for the staff and  
19 for resources and ensuring the flow outside, that there  
20 wasn't a line and that things were working smoothly with  
21 Urban Alchemy.

22 Q. When you worked the seven or so shifts, isn't  
23 it correct that HealthRIGHT 360 also had staff onsite?

24 A. Correct.

25 Q. And you saw -- you know some of the staff

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1 members?

2 A. Yes.

3 Q. Who are the staff members from HealthRIGHT 360  
4 that you remember seeing at the Linkage Center?

5 A. Paul Harkin, Gary McCoy. Bill. Maybe Jason.  
6 Jason Norelli.

7 Q. Do you know how to spell that last name?

8 A. N-o-r-e-l-l-i.

9 Other than that, I don't know. I can't  
10 remember.

11 Q. And what DPH staff do you remember working with  
12 at the Linkage Center?

13 A. I really don't remember. I -- I did four-hour  
14 shifts so my time is very limited.

15 Q. What part of the center did you work in when  
16 you worked on those four-hour shifts?

17 A. What would it be called? Like, greeting people  
18 when they walked in the door, and making sure there was  
19 no crazy line outside. And then, other than that, just  
20 connecting with services.

21 Q. I'm not sure what that means. What does that  
22 mean, "connecting with services"?

23 A. Connecting with any of the service providers  
24 that were inside if someone expressed interest in being  
25 connected to services.

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1 Q. And you knew that drug paraphernalia was being  
2 distributed within the center, didn't you?

3 A. Yes.

4 Q. Who was distributing the drug paraphernalia?

5 A. HealthRIGHT, yeah.

6 Q. What were they distributing?

7 A. I don't know.

8 Q. They were distributing fentanyl-smoking  
9 equipment, weren't they?

10 A. I don't know. I was not at the table.

11 Q. Did they have a table from which they were  
12 handing out drug paraphernalia?

13 A. Yes.

14 Q. And that would have included smoking supplies?

15 A. I don't -- I don't know.

16 Q. Who from HealthRIGHT 360 was working that  
17 table?

18 A. I don't know.

19 Q. And there was an area at the Linkage Center  
20 where people were allowed to use drugs; isn't that  
21 correct?

22 A. Yes.

23 Q. That was the outdoor area?

24 A. Yes.

25 Q. And who supervised that area?



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1 A. I don't know.

2 Q. Did anyone from DPH supervise it?

3 A. I don't know.

4 Q. What type of activity did you see happening in  
5 that outdoor area?

6 A. I saw people use drugs, but I also saw people  
7 sitting down and doing art and reading and just sitting.

8 Q. Okay. Let's focus on the people that you saw  
9 using drugs.

10 What did you see them doing?

11 A. I had a different role, so I wasn't engaged. I  
12 saw people using drugs, but I was fixated on my role in  
13 the four hours that I was doing shifts there. So I was  
14 moving around a lot.

15 Q. Well, let's take this in small bits, then.

16 The area where people were using drugs, that  
17 was part of the Linkage Center; correct?

18 A. I think so.

19 Q. It was an area that was fenced in by the City?

20 A. There was a back area, yes.

21 Q. Okay.

22 A. There was a back area where there were  
23 services. That's the area that I worked.

24 Q. Right. And -- okay.

25 The back area where the services are, is that

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1 also the area where people were openly using drugs?

2 A. No.

3 Q. Where was that area?

4 A. One area, but separate by space. So I

5 didn't -- I was not on the consumption side. I focused

6 on engaging with people for services.

7 Q. Was it called "the consumption side"?

8 A. I don't know.

9 Q. Who was in charge of the consumption side?

10 A. I don't know.

11 Q. You have no idea?

12 A. No.

13 Q. Who is in charge of the Tenderloin Linkage  
14 Center?

15 A. I was only there the first week of services.  
16 And it was DEM-led, to my knowledge.

17 Q. Who from the DEM, Department of Emergency  
18 Management --

19 A. Yeah. I don't know. It was, like, way above  
20 me.

21 Q. Who from the Department of Health was the  
22 person who was most senior who was involved with the  
23 Linkage Center?

24 A. I don't know.

25 Q. To your knowledge, was Dr. Colfax involved with

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1 the Linkage Center?

2 A. I don't know.

3 Q. How about Dr. Kunins?

4 A. I think she just started around that time. I  
5 did not work for her at that time.

6 Q. Dr. Borne?

7 A. I don't know what her involvement was.

8 Q. Was she involved with the Linkage Center?

9 A. Deb Borne?

10 Q. Yes.

11 A. I don't -- I don't know. Again, I had a very  
12 specific role, and it was four hours.

13 Q. Now, I know that your role didn't involve --  
14 are you telling us that your role did not involve the  
15 consumption site area?

16 A. That is correct.

17 Q. You still have -- your senses are still  
18 working; in other words, you can see and hear things?

19 A. Yes.

20 Q. What did you see and hear or observe happening  
21 on the consumption sides?

22 A. Peripherally, I saw people consume drugs. But,  
23 again, I had a role that was specific. So I wasn't  
24 just -- I was doing my role. I was there for four hours  
25 to do my role.

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1 Q. Did you see -- did you see people smoking  
2 drugs?

3 A. I don't know. I don't remember.

4 Q. Did you see people injecting drugs?

5 A. I don't remember.

6 Q. Okay. Apart from any communication from a  
7 lawyer who works for the City, before you worked at the  
8 Linkage Center, did it ever come to your attention that  
9 it might be a crime to operate a consumption site?

10 A. Yes.

11 Q. How did that come to your attention?

12 A. Read about it.

13 Q. Okay. When you saw that there was a  
14 consumption site being operated at the Linkage Center,  
15 were you alarmed?

16 A. I don't remember.

17 Q. Do you remember anyone expressing concern or  
18 alarm about the operation of a consumption site at the  
19 Linkage Center?

20 A. I heard about it on the news.

21 Q. How about anyone -- was there any discussion  
22 within DPH about the operation of a consumption site at  
23 the Linkage Center?

24 A. I don't -- yeah, I don't -- I don't know.

25 Q. You don't -- is it your testimony that you

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1 Q. Is he -- does he -- or did he, at the time of  
2 this e-mail, which is June of 2022, receive funding from  
3 the City?

4 A. I don't know.

5 Q. Okay. And we know who Dr. Kunins is. And  
6 Ms. Gaeta.

7 And then it looks like Vitka Eisen's e-mail,  
8 perhaps, but that's okay.

9 Are you familiar with the overdose prevention  
10 site at the Tenderloin Linkage Center?

11 A. We talked about the consumption that was  
12 happening, but that's the extent of my knowledge.

13 Q. Did you hear it referred to as a "safe  
14 consumption site"?

15 A. Not that I recall.

16 Q. Have you ever heard that term used before?

17 A. In relation to San Francisco?

18 Q. Yes.

19 A. No.

20 Q. Are you aware of a safe consumption popup that  
21 was put up on Willow Street?

22 A. I heard about it.

23 Q. Okay. Do you know any people who were involved  
24 in that?

25 A. No. I think I learned about it the same way

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1 DEM.

2 Q. So the Department of Emergency Management and  
3 HSH oversee the street ambassador contracts?

4 A. Correct.

5 Q. And let me make sure I understand this.

6 At some point in the end of 2024, you heard  
7 that the street ambassadors were handing out drug  
8 paraphernalia?

9 A. Correct.

10 Q. But you're telling us you don't remember who  
11 told you that?

12 A. Correct.

13 Q. And as you sit here today, there's nothing I  
14 can do to jog your memory?

15 A. I don't remember. It could have been at a  
16 community meeting. It could have been from a provider.  
17 I just don't remember.

18 Q. Okay.

19 A. But I followed up on it.

20 Q. And so you, on your own, decided to follow up  
21 on it?

22 A. Correct.

23 Q. You weren't instructed to do that?

24 A. Correct.

25 Q. And tell me everything you did to follow up on

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1 that.

2 A. I had a conversation with the contract manager  
3 at HSH -- and I can't remember her name. It starts with  
4 a T -- and DEM, Dre from DEM. They oversee the  
5 contract. I told them I had heard that supplies were  
6 distributed, and that cannot happen if we hire them to  
7 provide the ambassador role at 822 Geary.

8 Q. Okay. And what did Dre or the other person say  
9 in response?

10 A. I think they actually spoke to the lead of the  
11 Glide ambassadors, the director of that program.

12 Q. And who was that?

13 A. I can't remember her name. I'm sorry.

14 But we were very clear that for DPH -- or I was  
15 very clear, for DPH, that street ambassadors do not  
16 distribute supplies.

17 Q. Okay. Is that the first -- the end of 2024, is  
18 that the first time you, yourself, ever heard that Glide  
19 or other City-funded vendors were possibly distributing  
20 non-syringe drug paraphernalia?

21 A. I'm talking specifically about this -- the  
22 ambassador program.

23 Q. Before that, had you ever heard that the  
24 ambassador program was handing out drug kits?

25 A. No.

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1 A. Yes.

2 Q. What is it?

3 A. Syringe access and disposal site.

4 Q. Do you recognize that as happening in the  
5 Tenderloin?

6 A. Hemlock.

7 Q. Yeah.

8 Do you recognize any of the people in that  
9 video?

10 A. I do not know. No.

11 Q. To your knowledge, is -- who, if anyone, from  
12 the City is looking at that program to see whether  
13 there's any harmful effect on the neighborhood?

14 A. I don't know.

15 Q. To your knowledge, has anyone ever looked at  
16 possible harmful effects of handing out drug supplies in  
17 the Tenderloin?

18 When I say "harmful effects," I mean harmful  
19 effects to children and other people who live in that  
20 neighborhood.

21 A. I don't know.

22 Q. Did you ever hear Dr. Colfax, when he was the  
23 director of DPH, say, "You know what? I don't know if  
24 it's such a good idea to hand out drug supplies in the  
25 Tenderloin"?



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1 STATE OF CALIFORNIA )  
 ) ss  
2 COUNTY OF ALAMEDA )

3

4 I, Joan Grier, hereby certify that the  
5 witness in the foregoing deposition named

6

7 EILEEN LOUGHRAN

8

9 was by me duly sworn to testify to the truth, the whole  
10 truth, and nothing but the truth in the within-entitled  
11 cause; that said deposition was taken at the time and  
12 place herein named; that the testimony of said witness was  
13 reported by me, a certified shorthand reporter and a  
14 disinterested person, and thereafter transcribed into  
15 typewriting.

16 And I further certify that I am not of counsel or  
17 attorney for either or any of the parties to said  
18 deposition, nor in any way interested in the outcome of  
19 the cause named in said caption.

20

21 \_\_\_\_\_ Reading and Signing was requested.

22 \_\_\_\_\_ Reading and Signing was waived.

23   X   Reading and Signing was not requested.

24

25

26 Date: 4/21/25

27   
Joan Grier, C.S.R. #8958

28

29

30

# **Exhibit E**

(April 21, 2025 deposition of the DPH Director of Behavioral Health Services and Mental Health SF and County of San Francisco, who is also described in Plaintiffs’ motion as “BH Director”)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

---oOo---

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an  
individual; BARBARA ROE, an  
individual; PHOENIX HOTEL SF, LLC,  
a California limited liability  
company; FUNKY FUN, LLC, a  
California limited liability  
company; and 2930 EL CAMINO, LLC,  
a California limited liability  
company,

**CERTIFIED  
TRANSCRIPT**

Plaintiffs,

vs.

No. 4:24-cv-01562-JST

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendants.

\_\_\_\_\_ /

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Taken before GINA V. CARBONE  
CERTIFIED SHORTHAND REPORTER  
STATE OF CALIFORNIA  
CSR License No. 8249, RMR, CRR, CCRR

Monday, April 21, 2025

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1 about 20 years ago, I didn't -- and then the boards  
2 became available in the last couple of years. And I  
3 passed that official board about three years ago.

4 Q. You began working with the Department of  
5 Public Health in San Francisco in 2021?

6 A. Yes.

7 Q. And I know you had at least analogous jobs  
8 in New York City. Tell us about those, if you  
9 would.

10 A. I joined New York City Department of Public  
11 Health, Department of -- Department of Health and  
12 Mental Hygiene in 2012 as assistant commissioner for  
13 the Bureau of Alcohol and Drug Use. And then was in  
14 that department for about eight -- eight years and  
15 change, eight and a half years, I think, and held  
16 both that role and then a role deputy executive --  
17 executive deputy commissioner for mental hygiene,  
18 sort of a broader portfolio over both substance use  
19 and mental health.

20 Q. Until?

21 A. Until I came here. So until 2021.

22 Q. Okay. Generally, what were your duties  
23 with the Department of Health and Mental Hygiene in  
24 2012 as assistant commissioner until that role  
25 changed to deputy executive?

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1 clearly what was happening on the ground here.

2 Q. Let me zoom out a little bit.

3 When you came to San Francisco, your job  
4 was what? What was your job title?

5 A. My job -- my job title still is director of  
6 Behavioral Health Services and Mental Health SF.

7 Q. Within the auspices of the Department of  
8 Public Health?

9 A. Yes.

10 Q. And your immediate supervisor at the time  
11 you came was who?

12 A. Dr. Grant Colfax, the health director.

13 Q. And your current supervisor is who?

14 A. Daniel Tsai.

15 Q. And when did Mr. Tsai become your  
16 supervisor, with the election of Mr. Lurie?

17 A. Yes. A little -- I guess Dan, Mr. Tsai,  
18 joined about seven weeks ago.

19 Q. All right. What did you understand your  
20 duties to be, generally speaking, upon being hired?

21 A. What did I understand my duties to be.

22 So in the Department of Public Health, one  
23 of the divisions is Behavioral Health Services.  
24 That division is responsible to directly run and  
25 contract for services to address the needs of people

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1 MR. KNOX: Objection. Lack of foundation.

2 You may answer.

3 THE WITNESS: It can refer to the impact on  
4 community, like public drug use, for example.

5 BY MR. SCHOENBERGER:

6 Q. Is the use of safe consumption sites, in  
7 your view, a subset of harm reduction?

8 A. Yes.

9 Q. All right. At any time since you came to  
10 San Francisco, did you advocate for the use of safe  
11 consumption sites within the city?

12 MR. KNOX: I advise you to invoke your  
13 right to remain silent.

14 THE WITNESS: I invoke my right to remain  
15 silent.

16 BY MR. SCHOENBERGER:

17 Q. At the time that you came to San Francisco,  
18 did you understand the use of controlled substances  
19 within the City and County of San Francisco, the  
20 unauthorized use, to be illegal?

21 MR. GEORGE: Objection. Form.

22 THE WITNESS: I'm not sure what you mean by  
23 the "unauthorized use."

24 BY MR. SCHOENBERGER:

25 Q. Well, the -- I mean, controlled -- did you

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1           A. Right. So I don't -- I mean, I'm not sure  
2   where you're going, but I'm not sure whether that  
3   specific -- I mean -- yes, I'm not sure.

4           Q. And that's what I was asking you.

5           A. Yes.

6           Q. Sounds like you're not sure. And that's  
7   your answer.

8                   Were you aware of the existence of the  
9   Linkage Center beginning in January of '22?

10          A. Yes.

11          Q. Did you ever visit the Linkage Center from  
12   the time it opened in January of 2022 to, I think it  
13   closed on December 4th of 2022?

14          A. Yes.

15          Q. How often were you there?

16          A. Um....

17          Q. And your best estimate is all I'm looking  
18   for.

19          A. Right. I was not there with -- like on a  
20   regular schedule. So there were times I visited for  
21   whatever reason, and then maybe weeks went by and  
22   then visited again.

23          Q. What did you understand -- strike that.

24          Did you understand that there were areas  
25   within the Linkage Center where drug use was

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1 permitted?

2 MR. KNOX: I advise you to invoke your  
3 right to remain silent.

4 THE WITNESS: I invoke my right to remain  
5 silent.

6 BY MR. SCHOENBERGER:

7 Q. Do you recall ever fielding any complaints  
8 about the Linkage Center?

9 A. I fielded complaints indirectly.

10 Q. How did you field complaints indirectly?

11 A. Through different staff members, or perhaps  
12 via, you know, another City official, or....

13 Q. And I don't want any of those City  
14 officials or staff members to be lawyers. In other  
15 words, if it came from the City Attorney's Office,  
16 I'm not entitled to know about that --

17 A. Okay.

18 Q. -- as much as I might want to. And so  
19 exclude that from any information that you heard.  
20 And I'm not implying that you did. I just want to  
21 caution you, as I'm sure Mr. Knox has, that I'm not  
22 entitled to that information.

23 With that in mind, tell me what you heard  
24 indirectly, either from officials or staff members,  
25 about complaints related to the Linkage Center.



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1                   As of the time that you learned there was  
2   going to be the Linkage Center, did you understand  
3   that it was going to be a consumption site?

4                   MR. KNOX: I advise you to invoke your  
5   right to remain silent.

6                   THE WITNESS: I invoke my right to remain  
7   silent.

8   BY MR. SCHOENBERGER:

9                   Q. Did you understand that at the consumption  
10   site, individuals would be using drugs like  
11   fentanyl?

12                  MR. KNOX: I advise you to invoke your  
13   right to remain silent.

14                  MR. GEORGE: Objection. Form.

15                  THE WITNESS: I invoke my right to remain  
16   silent.

17   BY MR. SCHOENBERGER:

18                  Q. Did you understand that individuals would  
19   be allowed to consume drugs like heroin?

20                  MR. KNOX: I advise you to invoke your  
21   right to remain silent.

22                  THE WITNESS: I invoke my right to remain  
23   silent.

24                  MR. SCHOENBERGER: And Mr. Knox, any  
25   question that I ask the doctor about the use of

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1 Q. And so with the advent of the Linkage  
2 Center, you knew there would be a higher  
3 concentration of addicts in that particular  
4 geographic area, true?

5 MR. GEORGE: Objection. Form.

6 THE WITNESS: No.

7 BY MR. SCHOENBERGER:

8 Q. If addicts who came to the Linkage Center  
9 wanted drug paraphernalia, they were provided it,  
10 true?

11 MR. KNOX: I invoke -- I advise you to  
12 invoke your right to remain silent.

13 THE WITNESS: I invoke my right to remain  
14 silent.

15 BY MR. SCHOENBERGER:

16 Q. Including fentanyl kits and/or --  
17 (Phone interruption.)

18 Sorry, strike that.

19 Including bubbles or pipes?

20 MR. KNOX: I advise you to invoke your  
21 right to remain silent.

22 BY MR. SCHOENBERGER:

23 Q. Do you know who HealthRIGHT 360 is?

24 A. Yes.

25 Q. Did HealthRIGHT 360 serve as the supervisor

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1 MR. KNOX: Objection. Vague with respect  
2 to by whom.

3 MR. SCHOENBERGER: Good point.

4 BY MR. SCHOENBERGER:

5 Q. Under the auspices of the City and County  
6 of San Francisco, either directly or indirectly  
7 through contracted groups, have fentanyl pipes been  
8 distributed in the Tenderloin since you began your  
9 job?

10 MR. GEORGE: Objection. Form. Compound.

11 MR. KNOX: I advise you -- sorry.

12 MR. GEORGE: Go ahead.

13 MR. KNOX: I advise you to invoke your  
14 right to remain silent.

15 THE WITNESS: I invoke my right to remain  
16 silent.

17 BY MR. SCHOENBERGER:

18 Q. Were -- strike that.

19 Let me get into your -- strike that.

20 I take it, Mr. Knox, you will instruct her  
21 to not answer any questions related to the -- her  
22 understanding of the distribution of fentanyl pipes  
23 in the Tenderloin under the Fifth Amendment  
24 privilege?

25 MR. KNOX: I will.

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1 strike that.

2 I want to talk to you about fentanyl pipes.

3 Okay?

4 What is your understanding of the new rule  
5 that will exist with respect to the distribution of  
6 fentanyl pipes as of April 30?

7 MR. GEORGE: Objection. Form, as to by  
8 whom. Whose distribution.

9 BY MR. SCHOENBERGER:

10 Q. Go ahead.

11 A. Well, reading from the piece of paper from  
12 the policy, it says that DPH-funded programs for  
13 distribution of all smoking supplies must include  
14 proactive counseling and treatment referrals. And  
15 that the distribution of safer smoking supplies,  
16 specifically foil pipes and straws, will not happen  
17 in public spaces. They will -- they must happen in  
18 either indoor or SF DPH-approved control spaces.

19 Q. Meaning that indoors and/or on  
20 SF DPH-approved control spaces, fentanyl pipes will  
21 still be distributed in San Francisco, correct?

22 A. May -- may still be distributed. Yeah.

23 Q. Have there been any efforts made to  
24 determine where these indoor spaces will be that may  
25 distribute fentanyl pipes?

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1                   MR. GEORGE: Objection. Form. Vague.

2       BY MR. SCHOENBERGER:

3           Q. Where is this going to happen?

4           A. Yes.

5           Q. Where is it going to happen?

6           A. So the policy goes into effect -- begins to

7       go into effect April 30th. And what this doesn't

8       say is -- sort of in more detail, is it will take

9       place through May 30th. So that is -- we are

10      working it out.

11          Q. In other words, the selection of where

12      these places will be, these indoor spaces, is still

13      under consideration?

14          A. Yes.

15          Q. Are there places that are candidates within

16      the Tenderloin for where the distribution of

17      fentanyl pipes will occur, or may occur?

18          A. I'm thinking. Yes. Where -- yes.

19          Q. What are some of those candidates?

20          A. So there is a site that is a controlled

21      space, specifically GLIDE parking lot.

22          Q. Okay.

23          A. So that's not in a public space.

24          Q. All right. But it's not indoors?

25          A. It's -- it is the category of approved

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1 controlled space.

2 Q. All right. But that has always been a  
3 place where fentanyl pipes have been distributed in  
4 the past?

5 MR. GEORGE: Objection. Form.

6 MR. KNOX: I advise you to invoke your  
7 right to remain silent.

8 THE WITNESS: I invoke my right to remain  
9 silent.

10 BY MR. SCHOENBERGER:

11 Q. All right. As of now, what is your  
12 understanding of whether or not some of these indoor  
13 or approved controlled spaces for the distribution  
14 of fentanyl pipes will occur within the Tenderloin?

15 A. Meaning what are the space -- are there  
16 other sites?

17 Q. How many spaces will be within the  
18 Tenderloin?

19 A. I would need -- so we are in the process of  
20 doing this. We -- it is not finalized. So I would  
21 need -- besides the site I just mentioned, would  
22 need to -- I don't know yet.

23 Q. What is your best estimate of the number of  
24 places that will be distributing fentanyl pipes --

25 MR. GEORGE: Objection. Form. Vague.

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1           A. The person is a person who has a substance  
2 use disorder or addiction and is likely going to use  
3 the material to use drugs.

4           Q. Will, to your knowledge, those persons be  
5 allowed to then use the drugs within the controlled  
6 space, such as the parking lot at GLIDE?

7           A. No.

8           Q. So do you understand that those people who  
9 come to GLIDE to get a fentanyl pipe are likely to  
10 then use the fentanyl in a public space outside the  
11 GLIDE parking lot?

12           MR. KNOX: Objection. Calls for  
13 speculation.

14           You may answer.

15           THE WITNESS: No. People could be living  
16 somewhere, for example.

17 BY MR. SCHOENBERGER:

18           Q. Is it a concern of yours that the provision  
19 of fentanyl pipes to people in the controlled space  
20 of the parking lot at GLIDE will result in them then  
21 using drugs outside that parking lot on the public  
22 streets?

23           A. What -- let me say that what this policy  
24 asserts is asking contractors to make every effort  
25 to persuade and offer treatment to people to

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1 interrupt their drug use so that no drug use occurs  
2 or declines.

3 Q. Understood. But you know that if someone  
4 gets the pipe and they leave the parking lot, and  
5 they are not so persuaded, then they're going to use  
6 the drug, right?

7 MR. KNOX: Objection. Calls for  
8 speculation.

9 You may answer.

10 MR. GEORGE: Same objection.

11 THE WITNESS: Yes.

12 BY MR. SCHOENBERGER:

13 Q. And that that can result in crime occurring  
14 around the parking lot at GLIDE, true?

15 MR. KNOX: Objection. Calls for  
16 speculation.

17 You may answer.

18 THE WITNESS: Yes.

19 BY MR. SCHOENBERGER:

20 Q. And that that could attract the  
21 distribution or sales of fentanyl to that particular  
22 area, correct?

23 MR. KNOX: Objection. Calls for  
24 speculation.

25 MR. GEORGE: Same objection.



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1 and/or drug paraphernalia, can someone be a minor  
2 and obtain these, so long as they're counseled?

3 A. So according to State law, minors may be  
4 provided safer use supplies.

5 Q. So if a 14-year-old came to GLIDE and was  
6 counseled, the policy of the City is to provide them  
7 with the drug paraphernalia?

8 MR. GEORGE: Objection. Form.

9 THE WITNESS: The policy of the City has  
10 been to follow State law.

11 BY MR. SCHOENBERGER:

12 Q. Well, always?

13 A. Um....

14 Q. Let me withdraw that. The answer to my  
15 question is, a 14-year-old who comes into GLIDE in  
16 June of 2025 and wants drug paraphernalia, so long  
17 as he or she is counseled, will receive it, true?

18 A. I want to acknowledge the complexity here  
19 and say yes.

20 Q. And as the -- in the position that you hold  
21 with the Department of Public Health, and  
22 acknowledging the complexity of that, you are in  
23 favor of that, true?

24 MR. GEORGE: Objection. Form.

25 MR. KNOX: I'm going to advise you to

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1 I, GINA V. CARBONE, CSR No. 8249, RPR, RMR, CRR,  
2 CCRR, certify: that the foregoing proceedings were taken  
3 before me at the time and place herein set forth; at  
4 which time the witness was duly sworn; and that the  
5 transcript is a true record of the testimony so given.

6

7 Witness review, correction and signature  
8 was

9 ( ) by code. ( ) requested.  
10 ( ) waived. (X) not requested.  
11 ( ) not handled by the deposition officer due to  
12 party stipulation.

13

14 The dismantling or unbinding of the original  
15 transcript will render the reporter's certificate null  
16 and void.

17 I further certify that I am not financially  
18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any of  
20 the parties.

21 Dated this 28th day of April, 2025.

22

23

24

25

  
\_\_\_\_\_  
GINA V. CARBONE  
CSR #8249, STATE OF CALIFORNIA

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# Exhibit F

(April 18, 2025 deposition of the Director of Strategic Initiatives in the Behavioral Health Services section of DPH, who is also described in Plaintiff's motion as "Director of Strategic Initiatives")

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

---oOo---

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an  
individual; BARBARA ROE, an  
individual; PHOENIX HOTEL SF, LLC,  
a California limited liability  
company; FUNKY FUN, LLC, a  
California limited liability  
company; and 2930 EL CAMINO, LLC,  
a California limited liability  
company,

**CERTIFIED  
TRANSCRIPT**

Plaintiffs,

vs.

No. 4:24-cv-01562-JST

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendants.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF KRISTA GAETA

Taken before GINA V. CARBONE  
CERTIFIED SHORTHAND REPORTER  
STATE OF CALIFORNIA  
CSR License No. 8249, RMR, CRR, CCRR

Friday, April 18, 2025

1 the San Francisco Department of Public Health; is  
2 that right?

3 A. Yes.

4 Q. And could you please mind tell me what your  
5 current title is.

6 A. My current title is director of strategic  
7 initiatives.

8 Q. And is there a certain part of the  
9 Department of Public Health --

10 A. Yes.

11 Q. -- that you work in?

12 A. I work in the Behavioral Health Services  
13 section.

14 Q. How long have you worked in that section?

15 A. Three years.

16 Q. Have you had that same title for all three  
17 years?

18 A. Yes.

19 Q. Prior to working for the Population  
20 Behavioral Health, where did you work?

21 A. I worked for the Human Services Agency.

22 Q. And what did you do for the Human Services  
23 Agency?

24 A. I was the director of in-home supportive  
25 services.

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1 Q. Sounds like it.

2 A. Yeah.

3 Q. For the efforts that you work specifically  
4 in regards to overdose prevention, is that in  
5 conjunction with other departments in the city?

6 A. Yes.

7 Q. Just real briefly, what departments would  
8 that be?

9 A. We work largely in that -- in that  
10 section -- I'm trying to think my various work. I  
11 work across a lot of divisions.

12 We work largely with the Department of  
13 Homelessness and Supportive Housing. And that is  
14 largely to do the work in permanent supportive  
15 housing. I don't think that group works very  
16 closely with other departments. Not to say that we  
17 don't come in contact with them, but that is our  
18 largest City partner.

19 Q. Got it. Apart from City departments as  
20 part of your efforts for overdose prevention, do you  
21 work with any nonprofits?

22 A. Yes.

23 Q. What are some of those nonprofits that you  
24 work with?

25 A. We work with Code Tenderloin, we work with

1 Homeless Children's Services, we work with Glide, we  
2 work with the San Francisco Community Health Center,  
3 we work with the San Francisco AIDS Foundation.

4 Would you like me to continue?

5 Q. If there's a couple more, yeah, that would  
6 be great.

7 A. There is the Gubbio. Trying to think if  
8 there are -- there may be others, I'm just not  
9 recalling them.

10 MR. KNOX: HealthRIGHT 360 or not?

11 THE WITNESS: I do not believe that my  
12 division holds a HealthRIGHT 360 contract.

13 MR. KNOX: Didn't mean to step in.

14 THE WITNESS: There are in the Behavioral  
15 Health Services section, but I do not believe we  
16 have a HealthRIGHT 360 contract that we are  
17 managing.

18 BY MR. MINOIEFAR:

19 Q. And do you also work at all with the -- I  
20 believe it's called the Youth Alliance?

21 A. The Homeless Youth Alliance.

22 Q. Yes.

23 A. Yes. They -- yes.

24 Q. And you mentioned that you have -- in  
25 reference to HealthRIGHT 360, you mentioned you

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1 don't have a contract with them. Is your work  
2 largely limited to entities that you have a direct  
3 contract with through with your office, or is it  
4 something else?

5 A. So in my Population Behavioral Health work,  
6 we do not manage any HealthRIGHT 360 contracts.  
7 However, I have worked with HealthRIGHT 360 on other  
8 projects, and have supported our Substance Use  
9 Services system of care section in working with  
10 HealthRIGHT 360 contracts.

11 Q. Got it. And you mentioned the street  
12 health team. From what I understand, is this  
13 separate and apart from the Population Behavioral  
14 Health section or part and parcel?

15 A. It is separate from the Population  
16 Behavioral Health section.

17 Q. For now let's stick with the Population  
18 Behavioral Health section. Is the work involving  
19 the prevention of overdoses include the distribution  
20 of harm reduction supplies?

21 A. Yes.

22 Q. And how is it that your office is involved  
23 in the distribution of harm reduction supplies for,  
24 let's just say, SF AIDS?

25 A. We oversee the contract.



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1 remember that now.

2 Q. Thank you. That's -- very much. That's  
3 very helpful.

4 A. Okay.

5 Q. It's always good to clarify something that  
6 you want to have clarified.

7 A. Yeah.

8 Q. And you mentioned this contingency  
9 management. What is that?

10 A. Contingency management is an inter- --  
11 science evidence-based intervention to work with  
12 people generally with stimulant use disorders, so  
13 drugs like methamphetamines. And folks can enroll  
14 in this program and they're incentivized, generally  
15 through small cash-type payments, to change their  
16 behavior.

17 So not use drugs, attend a group session,  
18 there could be other positive health activities that  
19 we're contracting with someone to do. And so it has  
20 been found to be very successful with people who use  
21 stimulants in reducing or ending their use.

22 Q. Understood. When it comes to overseeing  
23 contracts for the distribution of harm reduction  
24 supplies, is part of that determining what supplies  
25 will be distributed by the contractor?

1           A.   Yes.

2           Q.   How is it that your office is involved in a  
3   decision on what is distributed by, let's just say,  
4   SF AIDS?

5           A.   So there's a couple of things.  So one, we  
6   have a contract which specifies some of that.  We  
7   also -- I'm trying to remember the -- I want to say  
8   that in this moment, I'm trying to -- I don't -- I  
9   have other people in my department who work on these  
10  particular contracts, so it's not my sole or primary  
11  focus.

12           The contracts vary in -- or the funding  
13  varies, and sometimes we pay for some of the  
14  supplies and often we do not.  They're coming from a  
15  state clearinghouse.

16           And we can make modifications to what  
17   supplies, or where supplies can be given out.  So  
18   recently we've made a policy shift, in coordination  
19   with the mayor's office, the City, to dictate what  
20   supplies and where they can be distributed.

21           Q.   We'll definitely want to talk about the new  
22  mayor's policy.

23           But I want to talk a little bit about what  
24  was the current state of affairs prior to that  
25  policy for a moment.

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1 A. Sure.

2 Q. Prior to the mayor's new policy, was it  
3 your office's policy to allow the distribution of  
4 pipes or smoking materials?

5 MR. KNOX: I advise you to invoke your  
6 right to remain silent.

7 BY MR. MINOIEFAR:

8 Q. Will you be taking your counsel's advice?

9 A. Yes.

10 MS. MURPHY: Object to form.

11 BY MR. MINOIEFAR:

12 Q. Prior to the mayor's new policy, was it  
13 your office's policy to allow the distribution of  
14 syringes on public streets?

15 MR. KNOX: I advise you to invoke your  
16 right to remain silent.

17 BY MR. MINOIEFAR:

18 Q. I assume you're taking your counsel's  
19 advice?

20 A. Yes.

21 MS. MURPHY: Object to form.

22 BY MR. MINOIEFAR:

23 Q. Moving to -- let me just ask this. If I  
24 were to ask any question along the topic of whether  
25 or not your office was involved in the distribution

1 of either meth pipes, foil, other smoking materials  
2 or syringes on public streets, would you be invoking  
3 your right under the Fifth Amendment?

4 A. Yes.

5 MS. MURPHY: Object to form.

6 BY MR. MINOIEFAR:

7 Q. I want to switch gears a little bit to --  
8 we'll circle back on the mayor's policy. I want to  
9 talk about the street health team that you mentioned  
10 earlier.

11 A. Sure.

12 Q. I've heard a variety of different groups,  
13 such as like the Night Navigators, Street Medicine  
14 team.

15 When you say "street health teams," are you  
16 referring to more than one team?

17 A. That's a good question. And as my -- has  
18 recently changed. So the department has run four  
19 street teams, the Tenderloin Night Navigators,  
20 Street Medicine, Post-Overdose Engagement Team, and  
21 a team we call BEST Neighborhoods, which is a  
22 behavioral-health-focused outreach team.

23 We are in the process of consolidating all  
24 of these teams into one street health team. So the  
25 Night Navigators continue to work in the evening,

1 chance to do longitudinal work with them to help  
2 motivate them to come indoors and get into  
3 treatment.

4 BY MR. MINOIEFAR:

5 Q. Do you know if any of the supplies that are  
6 distributed include things such as like tents or  
7 means to camp on the streets?

8 A. No.

9 MR. KNOX: I'm sorry, say that again?

10 MR. MINOIEFAR: The question was, do you  
11 know if any of the supplies that are distributed  
12 include things such as tents or the means to camp on  
13 the streets?

14 MR. KNOX: Okay.

15 THE WITNESS: No. That is strictly  
16 prohibited for our teams.

17 BY MR. MINOIEFAR:

18 Q. Do you know if that prohibition extends to  
19 contractors that you work with?

20 A. Yes.

21 Q. How is it that that provision -- pardon.  
22 How is it that that prohibition is enforced if a  
23 contractor is conducting that kind of thing?

24 MS. MURPHY: Object to form.

25 MR. KNOX: Objection. Lack of foundation.

1                   You may answer.

2                   THE WITNESS: If we received information  
3   that that was happening, we would immediately call  
4   that organization and tell them to stop immediately.

5                   If that behavior continued, then we would  
6   explore pathways to enforce that through their  
7   contract with us.

8   BY MR. MINOIEFAR:

9               Q. I think we're done with Plaintiffs' Exhibit  
10   1.

11              A. Okay.

12              Q. Let me just ask the question first, if I  
13   were to ask you questions related to the mayor's new  
14   policy in regards to the distribution of fentanyl  
15   smoking supplies without counseling or treatment,  
16   would you invoke your right under the Fifth  
17   Amendment?

18              MR. KNOX: Yes. I advise you to invoke.

19              THE WITNESS: Yes.

20              MR. KNOX: If I could just have a moment?

21              MS. MURPHY: Why don't we go off for a  
22   second.

23              MR. MINOIEFAR: Yeah, sure. We can go off.

24              THE VIDEOGRAPHER: Going off the record.

25   The time is 10:38.

1 where the City contractors are distributing syringes  
2 on public streets and whether there should be any  
3 corrections to that practice?

4 A. Many of these sites, which are changing  
5 now, have been longstanding. So I did not -- I was  
6 not part of making those determinations.

7 If -- the circumstances to change something  
8 would be potentially community complaints about a  
9 certain area, or the operations of a site in that  
10 area would raise it to our level to evaluate and  
11 consider whether that should continue or move.

12 Q. Have you heard of community complaints  
13 about the operation of a site for the distribution  
14 of syringes in the Tenderloin?

15 A. Yes.

16 Q. What were the results of those community  
17 complaints?

18 MS. MURPHY: Object to form.

19 THE WITNESS: There --

20 MR. KNOX: Objection. Calls for  
21 speculation. Lack of foundation.

22 You may answer.

23 THE WITNESS: There was a sort of pop-up  
24 site on Willow Alley in the Tenderloin which had  
25 significant encampment and other drug use that was

1    happening on it. There was a City effort to change  
2    those conditions, and one of the conditions was our  
3    distribution of supplies on that street. And so we  
4    moved that location.

5    BY MR. MINOIEFAR:

6            Q. So was the pop-up site on Willow Street a  
7    City-funded distribution site?

8            A. Yes.

9            Q. And what departments were involved in the  
10    distribution of syringes on Willow Street?

11           A. As far as I know, it was -- as far as I  
12    know, it was just the Department of Public Health's  
13    contract.

14           Q. And was the distribution of supplies on  
15    Willow Street by the Department of Public Health  
16    something that the City received community feedback  
17    from?

18           MS. MURPHY: Object to form.

19           THE WITNESS: Yes.

20    BY MR. MINOIEFAR:

21           Q. And what was that feedback?

22           A. The feedback -- there is a perception by  
23    some community members, and I believe this was the  
24    community, who felt like the distribution of  
25    supplies was an enabler of drug use and attracted



1 drug use to a location.

2 Q. Do you know if the Willow Street  
3 distribution site distributed smoking supplies?

4 MR. KNOX: Objection.

5 Well, hold on a second.

6 Vague as to time. I'm going to instruct  
7 you not to answer until it's clarified what time  
8 we're talking about.

9 MR. MINOIEFAR: Sure.

10 BY MR. MINOIEFAR:

11 Q. The Willow Street pop-up distribution site,  
12 do you recall when that was?

13 A. I -- I am not exactly recalling. I would  
14 estimate that six months ago it was maybe still  
15 operating before we moved it. But I -- I actually  
16 just -- the timeline is fuzzy for me.

17 MR. KNOX: So since we're not talking about  
18 current policy, I'm going to advise you not to  
19 respond to any questions about Willow Alley or any  
20 of those other distribution things that occurred  
21 before the current policy.

22 THE WITNESS: Okay.

23 MR. KNOX: Based on your right to invoke  
24 your -- based on your right to remain silent.

25 THE WITNESS: Got it.

1 Q. -- to some of the syringe sites you talked  
2 about.

3 You mentioned there was plans for new  
4 sites. Do you have any idea where those new sites  
5 are potentially being planned?

6 A. And so when you say "new sites," I want to  
7 clarify they're not additional sites. These would  
8 be taking existing sites and moving them to a new  
9 location. So it's not adding services.

10 Q. Thank you for that clarification.

11 Do you know the potentially -- potential  
12 new sites?

13 A. I'm trying -- I knew a Mission Neighborhood  
14 Resource was one and we've moved in there. I do not  
15 know the other ones.

16 Q. Okay. We're done with Plaintiffs'  
17 Exhibit 2. I'll take that.

18 A. Yes.

19 Q. Thank you.

20 Is the reasoning that the distribution  
21 sites are -- let me take a step back.

22 So is it correct that your testimony was is  
23 that there's not an addition of new distribution  
24 sites, they're simply relocating existing sites?

25 A. Correct.

1 Q. Do you know the reason why that they're  
2 relocating sites as opposed to adding new sites?

3 A. To comply with the policy. So it is sites  
4 that are currently outdoors, moving them indoors.

5 Q. Understood. Is part of the relocation of  
6 sites to distribute them from the Tenderloin  
7 neighborhood to other neighborhoods?

8 MS. MURPHY: Object to form.

9 THE WITNESS: That is not my understanding.

10 BY MR. MINOIEFAR:

11 Q. Is there any discussions currently  
12 regarding the concentration of services in the  
13 Tenderloin -- let me clarify.

14 Is there any discussions currently in your  
15 department regarding the concentration of homeless  
16 services in the Tenderloin?

17 MS. MURPHY: Same objection.

18 THE WITNESS: Yes.

19 BY MR. MINOIEFAR:

20 Q. And what are those conversations?

21 A. So we, as a Department of Public Health,  
22 are tasked with setting up and providing services to  
23 meet the health needs of generally low-income folks.  
24 But also -- and folks who are experiencing  
25 homelessness. And we are being asked to set up more

1 like RAMS are permitted to distribute smoking  
2 supplies, you had mentioned you know it's not  
3 currently the policy.

4 So for that current policy and prohibition  
5 on distribution of smoking supplies, that is only  
6 for public streets; is that correct?

7 A. Correct.

8 Q. How is it -- and I don't mean to be  
9 sarcastic. How is it that you or someone else in  
10 the public department -- Department of Public Health  
11 would know that that activity is no longer  
12 occurring?

13 A. So current policy, our street health team,  
14 does not distribute supplies. We, as part of our  
15 policy rollout, we are putting in a monitoring plan.  
16 This is in process and shall be finalized very soon,  
17 but it will be -- there will be a couple of things.

18 One, through self-report of the  
19 organization and their policies and procedures that  
20 we expect them to follow; two, through site visits  
21 that we will do; and three, we will always have  
22 Twitter videos that will become -- are part of my  
23 daily life.

24 Q. What do you mean by that? Are you  
25 referring to --

1           A. Meaning JJ, who took this video, is a  
2   prolific filmer and poster on many social media  
3   accounts, and these videos come to my attention  
4   occasionally.

5           Q. Understood. So apart from site visits,  
6   being sent videos from the public, are there any  
7   other means that you have for monitoring contractors  
8   to ensure they're not distributing smoking supplies  
9   on the streets of San Francisco?

10           MS. MURPHY: Object to form. I believe the  
11   witness has stated self-report in the prior answer.

12           THE WITNESS: Yes. Those would be  
13   self-report, our own visits, and then any other  
14   community complaints that may come up via a video or  
15   an email or a call.

16   BY MR. MINOIEFAR:

17           Q. Understood. So let me get that correct.  
18   So the three so far that you mentioned are  
19   self-reporting, site visits, reports from the  
20   public?

21           A. Yeah.

22           Q. Are there any other means involved in this  
23   monitoring plan that I understand is not fully  
24   finalized?

25           A. We will be collecting data on, you know,

1 conversations and, you know, connections to care,  
2 but that won't necessarily tell me what is happening  
3 on the ground.

4 Q. Anything else besides site visits, being  
5 sent reports, self-reports, and data that might  
6 eliminate distribution?

7 MS. MURPHY: Object to form.

8 THE WITNESS: Not that I can -- I'm aware  
9 of right now.

10 BY MR. MINOIEFAR:

11 Q. Is there a current policy or plan for when  
12 the Department of Public Health is notified of  
13 distribution of drug paraphernalia on public streets  
14 that certain action will be taken against a  
15 contractor?

16 MS. MURPHY: Object to form.

17 THE WITNESS: As I said previously, if we  
18 get a report, we will investigate it, which is, you  
19 know, looking at whatever evidence was given to us  
20 about the distribution. If it's a video, very  
21 clear, sometimes not. We will talk with the site  
22 themselves.

23 If we determine that they are -- again,  
24 this is going to be newly in the contracts. We will  
25 ask them to refrain from that activity and take

1 whatever steps are necessary. Perhaps an employee  
2 didn't follow the policy, we'll ask them to address  
3 that.

4 If the organization fails to enforce that  
5 policy, then we will use the mechanisms we have to  
6 enforce it through a contract. So there's many  
7 different steps from -- and I'm not going to be able  
8 to -- I've never had to go all the way through on  
9 one of these, but we would start with like a  
10 technical assistance plan where we would work very  
11 closely with the organization to refine the  
12 policies, practices --

13 MR. KNOX: Slow down.

14 THE WITNESS: -- and, you know, which could  
15 include more frequent site visits, et cetera. We  
16 would do something to be able to correct the  
17 behavior.

18 Our goal would be that the behavior would  
19 be correct at the end of that. If they don't  
20 correct that, and don't seem to be trying, then we  
21 could then move that to a more formal corrective  
22 action process, which could then put their funding  
23 and contract at risk.

24 BY MR. MINOIEFAR:

25 Q. You had mentioned that the plan is to

1 include this prohibition in contracts with  
2 contractors?

3 A. Yes.

4 Q. I take from that, just want to be clear,  
5 does that prohibition currently exist in contracts  
6 with, let's just say, RAMS, for example?

7 MS. MURPHY: Object to form.

8 THE WITNESS: I do not believe it is.

9 BY MR. MINOIEFAR:

10 Q. This might be kind of a technical question,  
11 but can a provision such as that be added to a  
12 contract without waiting for the contract to expire,  
13 or can it be added?

14 A. Yes, we can amend the contract.

15 MS. MURPHY: Belated object to form.

16 BY MR. MINOIEFAR:

17 Q. And is it the current intention to include  
18 a prohibition on the distribution of fentanyl  
19 smoking supplies on public streets with all  
20 contractors the Department of Public Health engages  
21 with?

22 MS. MURPHY: Object to form.

23 THE WITNESS: That's a good question. My  
24 understanding is that this will immediately be added  
25 to the contracts we have for the specific provision



1 of supply distribution. I do not think there's a  
2 plan to put it into every contract because most of  
3 our contractors do not do this as part of their  
4 services and we don't pay them to do that.

5 BY MR. MINOIEFAR:

6 Q. Understood. I'll take down Plaintiffs'  
7 Exhibit 2 from the deposition of Mark Mazza. I can  
8 take that back.

9 Is your role, current role, at all involved  
10 in the operation of shelters?

11 A. No.

12 Q. Do you oversee any programs that are  
13 conducted inside shelters in the Tenderloin?

14 A. The only thing I am directly overseeing is  
15 the overdose prevention work, and that has included,  
16 when asked for, we help to set up what we call  
17 emergency naloxone boxes. So that is just a stock,  
18 and we help the organization set up processes to  
19 make sure they have naloxone on site.

20 Q. Aside from the emergency naloxone boxes in  
21 shelters, are there any other programs you directly  
22 oversee involved with shelters in the Tenderloin?

23 A. No.

24 Q. Really quickly, who would be the person  
25 that you report to in the Department of Public

1 I, GINA V. CARBONE, CSR No. 8249, RPR, RMR, CRR,  
2 CCRR, certify: that the foregoing proceedings were taken  
3 before me at the time and place herein set forth; at  
4 which time the witness was duly sworn; and that the  
5 transcript is a true record of the testimony so given.

6

7 Witness review, correction and signature  
8 was

9 ( ) by code. ( ) requested.  
10 ( ) waived. (X) not requested.  
11 ( ) not handled by the deposition officer due to  
12 party stipulation.

13

14 The dismantling or unbinding of the original  
15 transcript will render the reporter's certificate null  
16 and void.

17 I further certify that I am not financially  
18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any of  
20 the parties.

21 Dated this 23rd day of April, 2025.

22

23

24

25

  
\_\_\_\_\_  
GINA V. CARBONE  
CSR #8249, STATE OF CALIFORNIA

# **Exhibit G**

(April 16, 2025 deposition of Emily Cohen)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

**CERTIFIED  
TRANSCRIPT**

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an  
individual; BARBARA ROE, an  
individual; PHOENIX HOTEL SF, LLC,  
a California limited liability  
company, FUNKY FUN, LLC, a  
California limited liability  
company; and 2930 EL CAMINO, LLC,  
a California limited liability  
company,

CASE NO.  
4:24-cv-01562-JST

Plaintiffs,

-vs-

CITY AND COUNTY OF SAN FRANCISCO,  
a California public entity,

Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF  
EMILY COHEN

Stenographically reported before JOAN GRIER  
Certified Shorthand Reporter  
State of California  
C.S.R. License No. 8958

April 16, 2025

VIDEOTAPED DEPOSITION OF EMILY COHEN

1           The court reporter is Joan Grier, Certified  
2 Shorthand Reporter, License No. 8958, representing Crangle  
3 Reporting Services.

4           And would the reporter please administer the  
5 oath, and then counsel may begin.

6                               EMILY COHEN,  
7           sworn as a witness by the Court Reporter,  
8                               testified as follows:

9                               EXAMINATION BY MR. DAVIS

10           MR. DAVIS: Q. Good afternoon. Will you tell  
11 us your name, please.

12           A. Emily Cohen.

13           Q. Once again, my name is Matt Davis. I'm a  
14 lawyer, and I represent some individuals and businesses  
15 that have sued the City and County of San Francisco.

16           My clients either reside in or their businesses  
17 are located in the Tenderloin District of San Francisco.

18           Are you employed by the City?

19           A. I am.

20           Q. And are you still working for Homelessness and  
21 Supportive Housing?

22           A. Yes.

23           Q. And I will call that "HSH" in this deposition.

24           Is that okay?

25           A. Great. That's what we call it.

1 Q. And what does HSH do with it?

2 A. I haven't seen it in use in quite a while. But  
3 I believe our outreach teams were distributing it, and I  
4 would often use it in communications with community  
5 members to let them know what we considered a clean and  
6 safe street and we wanted to achieve.

7 Q. Where is your office, currently?

8 A. 440 Turk.

9 Q. So that is about a block from the federal  
10 building?

11 A. Yeah.

12 Q. How long have you had your office on 440 Turk?

13 A. About 2020. Maybe late 2019, they opened.

14 Q. So you work in the Tenderloin?

15 A. Yes.

16 Q. And as part of your job responsibilities, do  
17 you go around the neighborhood at all?

18 A. To and from meetings.

19 Q. Do you ever visit any sites that are under the  
20 auspices of HSH?

21 A. Yes.

22 Q. And how frequently does that happen?

23 A. Probably a couple times a month.

24 Q. When was the last time you visited a shelter  
25 that was under the auspices of HSH?

1 MS. MURPHY: Object to form.

2 MR. KNOX: If you know.

3 THE WITNESS: So it really varies on the  
4 circumstance. It is not -- when I say it's a policy, I  
5 want to be clear.

6 In the lease that the tenant signs with the  
7 property manager, there's often a clause that stipulates  
8 that drugs are not able to be used.

9 MR. DAVIS: Q. Okay.

10 A. And often it will say, in the public areas of  
11 the building. So it would be treated as a lease  
12 violation.

13 Q. So the use of drugs in public areas would be a  
14 lease violation?

15 A. Depends on the exact wording of the lease.

16 Q. Does HSH mandate that the leases -- first of  
17 all, these are all facilities that receive their funding  
18 through HSH?

19 A. Correct.

20 Q. And HSH, if you will, enters into agreements  
21 with the vendors that run the facilities?

22 A. Correct.

23 Q. And HSH has decision-making control over what  
24 agreements the facilities have with their tenants?

25 MS. MURPHY: Object to form.

1 MR. KNOX: Objection. Lack of foundation.

2 Lack of personal knowledge.

3 If you know.

4 THE WITNESS: We don't have total control over  
5 the agreements because the nonprofits that operate the  
6 sites have their own -- like, are their own entities.

7 MR. DAVIS: Q. Okay. Does HSH impose any  
8 requirement with respect to the use of illicit drugs at  
9 properties that it funds? Are there any mandates or  
10 requirements with respect to how the vendors treat that  
11 issue?

12 MS. MURPHY: Object to form.

13 THE WITNESS: I'm not sure I know the answer to  
14 that.

15 MR. DAVIS: Q. Are you aware of any mandates  
16 or requirements by HSH with respect to the use of drugs in  
17 facilities -- we'll stick to the Tenderloin -- facilities  
18 in the Tenderloin that the HSH funds?

19 MS. MURPHY: Same objection.

20 THE WITNESS: I don't know for sure.

21 MR. DAVIS: Q. Who would know?

22 A. I would have to reread the contracts. You'd  
23 have the look at the contracts to see exactly what is  
24 written in them.

25 Q. You have -- sorry. Okay.



1           You have personally received many, many  
2   complaints about drug use in HSH-supported facilities  
3   spilling out into public areas around the facilities.

4           Is that a true statement?

5           A. Yes.

6           Q. You've received many complaints about people  
7   openly using drugs around HSH-supported facilities, like  
8   the Adante, like the Monarch, like the Cova when it was in  
9   operation?

10           MR. KNOX: Objection. Vague as to time.

11           You may answer.

12           THE WITNESS: Yes.

13           MR. DAVIS: Q. You have received many reports  
14   that there are drug sales happening around these  
15   facilities.

16           Is that a true statement?

17           MR. KNOX: Same objection.

18           THE WITNESS: Yes.

19           MR. DAVIS: Q. You -- you were aware that many  
20   people have died of drug overdoses within these  
21   facilities?

22           MR. KNOX: Same objection.

23           You may answer.

24           THE WITNESS: Yes.

25           MR. DAVIS: Q. Okay. Has anyone at HSH ever

1           A. I find public drug use to be unhealthy. So  
2 when I walk through the Tenderloin, whether that is in  
3 front of a homeless shelter or not, if I see somebody  
4 injecting drugs, that, to me, would be an unhealthy  
5 situation.

6           Q. And have you seen drug paraphernalia littering  
7 the streets of the Tenderloin?

8           A. Yes.

9           Q. And I assume you agree that's an unhealthy  
10 street condition?

11          A. Absolutely.

12          Q. And you have seen encampments that are filthy?

13          A. Yes.

14          Q. And that's an unhealthy street condition?

15          A. Nobody should -- yes.

16          Q. And you have seen people who are vending on the  
17 street what appear to be stolen goods?

18               MR. KNOX: Objection. Calls for speculation.  
19 Lack of foundation.

20               You can answer.

21               THE WITNESS: I've seen people vending on the  
22 streets.

23               MR. DAVIS: Q. And you can agree that that can  
24 be an unhealthy condition?

25               A. Yes.

VIDEOTAPED DEPOSITION OF EMILY COHEN

1 MR. DAVIS: Q. To your knowledge, do  
2 organizations hand out drug paraphernalia in the  
3 Tenderloin?

4 MR. KNOX: Objection. Vague with -- sorry, go  
5 ahead.

6 MS. MURPHY: Object to form.

7 MR. KNOX: Objection. Vague with respect to  
8 what you mean by "organizations."

9 You may answer.

10 THE WITNESS: Can you clarify what you mean?

11 MR. DAVIS: Q. Do any entities or  
12 organizations, to your knowledge, hand out drug  
13 paraphernalia in the neighborhood?

14 MS. MURPHY: Same objection.

15 MR. KNOX: Same objection.

16 THE WITNESS: I would assume so.

17 MR. DAVIS: Q. And why would you assume so?

18 A. Because I know that there are needle exchange  
19 programs and other programs. I don't know their specific  
20 addresses and if they're in the Tenderloin or not.

21 Q. Are you aware of organizations that hand out  
22 fentanyl and meth smoking devices?

23 MS. MURPHY: Object to form.

24 MR. KNOX: Objection. Vague with respect to  
25 the definition. And by fentanyl and other devices, you

1 mean not just fentanyl, but fentanyl devices and other  
2 devices. Nobody is giving out fentanyl.

3 MR. DAVIS: Q. Pipes, straws, foil.

4 MS. MURPHY: Same objection.

5 THE WITNESS: Our programs don't do that. I  
6 assume there might be some Harm Reduction programs in the  
7 community that do.

8 MR. DAVIS: Q. And why do you assume that?

9 A. Because I see them on the street.

10 Q. You see them with the carts handing it out?

11 A. No, no, no. Sorry.

12 I see the paraphernalia in use.

13 Q. Are you aware that Glide hands out drug  
14 paraphernalia in the neighborhood?

15 MS. MURPHY: Object to form.

16 THE WITNESS: No.

17 MR. DAVIS: Q. That's news to you?

18 A. Yes.

19 Q. Would you be surprised to learn that Glide has  
20 been handing out fentanyl-smoking materials in the  
21 neighborhood?

22 A. No.

23 Q. You're not surprised by that?

24 A. No.

25 Q. Does HSH have any position whether that's a

1 good idea?

2 MS. MURPHY: Object to form.

3 THE WITNESS: No.

4 MR. DAVIS: Q. What involvement did you have  
5 with the operation of the Tenderloin Linkage Center?

6 A. Very minimal.

7 MS. MURPHY: Object to form.

8 MR. DAVIS: Q. Tell me what it was.

9 A. I think I helped draft some communications  
10 materials about it. And I took a couple members of the  
11 press on a tour of it once, went on a tour of it once, but  
12 I was not involved in the operations.

13 Q. So how many tours of the center did you take?

14 A. I would say I was probably there three to five  
15 times over the course of its operation.

16 Q. Who from the City was in charge of the  
17 Linkage Center, to your knowledge?

18 A. I believe it was facilitated by the Department  
19 of Emergency Management. And each social service  
20 department contributed different types of services.

21 So I know we had staff who were stationed there  
22 who did housing assessments, made shelter placements. I  
23 know the Human Services Agency had people there to connect  
24 people with public benefits.

25 Q. So HSH had staff working at the Linkage Center?

